A

LETTER

TO THE HONOURABLE

The Directors of the East-India Company,

FROM

ANDREW STUART, Esq;

RESPECTING

The Conduct of Brigadier-general JAMES STUART,
at MADRAS.

[December, 1778.]

GENTLEMEN,

IT is now near eighteen months ſince I had the honour of addreſſing to you any requeſt or application in behalf of my Brother, Colonel Stuart, who for ſome time paſt has been Brigadier-general in the ſervice of the Honourable Eaſt India Company. I have at all times thought it my duty to abſtain from giving you unneceſſary trouble, and though frequently urged to repreſent to you the peculiar hardſhips of my Brother's caſe, it appeared to me more ſuitable to refrain from any remonſtrances, until we ſhould know here the event of his trial by a Court-martial, for which orders were ſent to India, by the Company's general letter of the 4th of July, 1777.

But the diſpatches recently received from Madras, which contain an account of what has paſſed there, in relation to the propoſed Court-martial, put me under the unavoidable neceſſity of immediately ſoliciting your attention to the peculiarity of my Brother's ſituation.

Without partiality or prejudice, I may venture to ſay, that the circumſtances of his caſe, when deliberately and candidly conſidered, will be found worthy of your moſt ſerious attention; and, I truſt will call aloud for ſome immediate redreſs, to ſtop the further progreſs of the accumulated ſeverities, hardſhips, and indignities, which appear to me to have been inflicted on Colonel Stuart, a perſon ſucceeding, by your own appointment, to be Commander in Chief of your army in the Carnatic.

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Theſe ſeverities have been inflicted, not only antecedent to any trial of his conduct, but without any proper evidence of his being culpable; and the influence and effects of them ſtill continue to ſubſiſt with full force and rigour againſt him, in conſequence of the refuſal he has lately met with at Madras, of a Court of Enquiry, or a trial by a Court-martial.

This enquiry and trial you had, by your orders, ſent by the Beſborough in July 1777, directed to take place, and in conformity with that direction, Colonel Stuart, flattering himſelf that the wiſhed-for moment was arrived for vindicating his character and conduct on the ſpot where the tranſactions had happened, and that a period would ſoon be put to his ſufferings, ſolicited that public trial in the moſt earneſt and fervent manner; but hitherto in vain;—for the reſult brought by the laſt diſpatches from Madras, is, that the Governor and Council there, at the ſame time that they refuſe the trial ſo earneſtly requeſted, and even inſiſted upon by Colonel Stuart as his right; are pleaſed, in conſequence of the directions they had received from home, to continue for an indefinite time that ſuſpenſion, which, in the early ſtages of this buſineſs, had been inflicted during the ſpace of ſix months.

The conſequence now is, that after having exerted himſelf, while Commander in Chief of your forces, in the moſt indefatigable and confeſſedly uſeful manner for the intereſts of the Company, by many new military regulations, and by putting the army and military poſts in the Carnatic on the moſt reſpectable footing, of which the Company, if I am rightly informed, has received undoubted intelligence, and from which, by the circumſtances of the times, they may probably ſoon feel material advantages: I ſay, after theſe exertions, which, jointly with the baneful influence of the climate on European conſtitutions, have greatly impaired his health; he finds himſelf degraded from the firſt military ſituation, with ſevere marks of diſpleaſure, waiting the return of the diſpatches lately brought home; and ſuffering in this unpleaſant interval, all the anxieties and impatience

incident to an officer of ſpirit, expoſed to the continuance of the prejudices and aſperſions with which his character and conduct had, in the firſt heats of party-rage, been aſſailed, without any means afforded him of vindicating his honour, by oppoſing, in the courſe of a public trial, authentic facts and proofs to groundleſs or illiberal imputations.

To ſatisfy you, Gentlemen, that there is nothing exaggerated in this ſhort ſketch of his ſituation, I muſt beg your permiſſion, to bring under your view, ſome of the moſt ſtriking incidents which have happened ſince the period when he received from you his firſt commiſſion in the ſervice of the Honourable Eaſt India Company.

In the year 1775, Colonel Stuart, at that time a Lieutenant-Colonel of many years ſtanding in the King's ſervice, was, with his Majeſty's permiſſion, appointed ſecond in command of all the Company's forces upon the coaſt of Coromandel, with the rank of Colonel in their ſervice; and by the ſame appointment, it was ſettled and eſtabliſhed, that upon the death, reſignation, or removal of the then Commander in Chief Sir Robert Fletcher, the command in chief, with the ſame rank of Brigadier-General, ſhould devolve upon and be enjoyed by Colonel Stuart.—Upon the faith of theſe agreements and appointments Colonel Stuart entered into the Honourable Company's ſervice, and ſailed for India.

He left England in November 1775, and arrived at Madras in May 1776.

Before his arrival, there had been many diſputes and diſſentions between Lord Pigot the Governor, and the Members of the Council at Madras. The conteſt and animoſity between them with regard to their reſpective powers and privileges, as well as with regard to ſome matters of government, was far advanced at the time of Colonel Stuart's arrival, and according to all appearances in a way of increaſing daily.

I have letters in my poſſeſſion from my Brother ſoon after his arrival, mentioning theſe diſſentions, and his intentions to avoid taking part

with either ſide in their diſputes, and to apply himſelf entirely to his own buſineſs in the military line.

In particular, the diſſention between Lord Pigot the Governor, and Sir Robert Fletcher the Commander in Chief, ſoon increaſed to ſuch a height, that in the month of July 1776, Lord Pigot iſſued an order for putting Sir Robert Fletcher under arreſt, and offered the command of the army to Colonel Stuart, then ſecond in command. This, though a very inviting offer, Colonel Stuart declined; he accommodated the differences between the Governor and Commander in Chief; prevailed on Lord Pigot to withdraw the arreſt; and Sir Robert Fletcher was thus continued in the command of the army.

In the month of Auguſt 1776, the diſputes between Lord Pigot the Preſident, and the Majority of the Members of Council, came to ſuch extremities, that it was evident there could be no further hopes of accommodation between parties who conſidered their powers, and the conſtitutional government at Madras, in ſuch oppoſite points of view.—It was the *criſis* of a conteſt in which there was no likelihood of either party voluntarily yielding to the other,—a ſituation which almoſt unavoidably produces the neceſſity of reſorting to ſtrong and violent meaſures for aſſerting or preventing the annihilation of thoſe powers which the contending parties ſeverally think themſelves entitled to exerciſe.

It was this *criſis* and neceſſity which probably made Lord Pigot, on the one hand, think himſelf entitled to reſort to the violent meaſures to which he had recourſe on the 22d and 23d of Auguſt 1776; when his Lordſhip firſt ſuſpended from their offices two of the Members of the Majority of Council, and then ſuſpended the whole of them, ordering at the ſame time Sir Robert Fletcher the Commander in Chief under arreſt, upon a charge of exciting mutiny and ſedition among the troops in garriſon, which was inferred from his concurring with the Majority of Council in a proteſt ſigned and circulated by them on the 23d of Auguſt.

On the other hand, it was probably the ſame *criſis* and neceſſity gave riſe to the idea and to the reſolution taken by the Ma-

jority of Council, and by Sir Robert Fletcher the Commander in Chief, upon the ſame 23d of Auguſt, when they aſſumed the reins of government, and ſigned an order to Colonel Stuart the ſecond in command, on whom they conferred the temporary command of the army on account of the indiſpoſition of Sir Robert Fletcher, by which order they required him, Colonel Stuart, to put them, the Majority of Council, in poſſeſſion of the fort-houſe, fortreſs and garriſon of Fort St. George, and to arreſt the perſon of Lord Pigot the Governor. By the ſame order, the Majority conferred upon Colonel Stuart the command of the garriſon of Fort St. George, during the preſent danger.

Here I think it proper to declare that it is by no means my intention to criminate or exculpate either Lord Pigot, and the Gentlemen who adhered to him, or the oppoſite party compoſed of the Majority of the Members of Council: I do not wiſh to embark myſelf in any part of that controverſy relating to the merits of the queſtions which firſt produced the diſſentions, and afterwards the total rupture between Lord Pigot and the Majority of Council; for beſides a natural diſlike to all manner of controverſies where I am not neceſſarily and unavoidably called upon to take a part, I do apprehend that the merits of my Brother's caſe, ſtand upon grounds totally ſeparate and diſtinct from thoſe which have been conteſted between Lord Pigot on the one hand, and the Majority of Council on the other; I have hitherto avoided, both in the India-houſe and in Parliament, taking any ſhare in the queſtions agitated between theſe parties, and it is my intention to continue to do ſo, unleſs points ſhould occur where my Brother's honour or intereſt might happen to be eſſentially affected, and in which I may think him ſo much in the right, as to make it an unavoidable duty on me to ſtand forward in his behalf.

I mean, therefore, here to confine myſelf to the particular circumſtances under which Colonel Stuart acted, in obedience to orders from Superiors, whom he thought himſelf bound to obey, without taking upon myſelf to ſay or inſinuate, whether theſe Superiors did right

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or wrong, in iſſuing thoſe orders; neither ſhall I preſume to give an opinion, whether the violent acts, either of the one party or the other, were right in themſelves, or juſtifiable from reaſons of expediency or neceſſity.

The difficult alternative to which Colonel Stuart was reduced by the orders received from the oppoſite parties.

The written order of 23d of Auguſt 1776, to Colonel Stuart, for putting the Majority of Council in poſſeſſion of the fort, and for arreſting the perſon of Lord Pigot, was ſigned by Seven Members of the Council, which conſtituted an unqueſtionable Majority; and it is farther to be obſerved, that one of thoſe Members who ſigned that order, was the Commander in Chief, Sir Robert Fletcher.

At the time when Colonel Stuart received this order, he had no ſeat or vote in Council, no deliberative voice; his duty was that of obedience only to his lawful ſuperiors, civil and military; he thought it therefore indiſpenſibly his duty to obey the joint orders of a clear Majority of Council, concurring with the Commander in Chief; convinced, as he has always been, and ſtill declares himſelf to be, that the legal conſtitutional government in the Company's ſettlement at Madras is veſted, not in the Governor or Preſident alone, nor in the Governor with a Minority of Council, but in the Majority of the Members of Council.

Upon the ſame day that the Majority of Council and the Commander in Chief ſigned the above order to Colonel Stuart, there was an offer to him of the command of the army, from Lord Pigot and his Lordſhip's friends in Council. The general orders iſſued by them of that date were in theſe words:

" Fort St. George, 23d Aug. 1776.

" The Right Honourable the Preſident and Council having been " pleaſed to order Brigadier-general Sir Robert Fletcher in arreſt, for be-

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" ing concerned in circulating letters tending to excite and cauſe mutiny " and ſedition among the troops in this garriſon, Colonel James " Stuart is ordered to take upon him the command of the troops under " this Preſidency, and all reports and returns are to be made to him " accordingly."

Here then Colonel Stuart, to whom upon the ſame day the temporary command of the army was offered by one party, and the abſolute unlimited command by the other, with poſitive requiſitions from each to act under their authority, was placed in one of the moſt delicate and difficult ſituations that ever fell to the ſhare of any military man;—it was impoſſible for him to be an inactive or an idle ſpectator.

Had he refuſed the command of the army, and thus incurred diſobedience to the orders of both parties, he was liable to be perſecuted by both, at leaſt by the party which ſhould gain the aſcendant, by whom he would certainly have been put under arreſt, and brought to trial by a Court-martial for diſobedience of orders.

He was therefore reduced to this alternative, that he muſt either give ſupport to the government of Lord Pigot, to the prejudice of all the ſuſpended Members of the Majority, and to the prejudice of his Commander in Chief, then ordered under arreſt, and about to be tried for his life; or he muſt obey the joint orders of the Commander in Chief, and the Majority of Council.

The conſequences that would have reſulted from Colonel Stuart's obeying the orders of the Preſident and Minority.

The ſituation was a very hard and diſagreeable one for Colonel Stuart; becauſe, whether he obeyed the orders of one or the other party, he was certain to meet with much blame, outcry, and perſecution, from the oppoſite party. We all know how liberally theſe have been beſtowed upon him, in the event which has happened; but let us ſuppoſe

poſe the contrary event, that he had diſobeyed the orders of the Majority and Commander in Chief, and given his ſupport to the government of Lord Pigot and the Minority, what an opening would that have afforded for obloquy and perſecution?

His accepting of the command from the Governor and the Minority would have been aſcribed to the baſe ungenerous motive of ſupplanting Sir Robert Fletcher, the Commander in Chief; and, ſuppoſing Lord Pigot to have prevailed at that time, and to have proceeded with the fulleſt career of ſucceſs in eſtabliſhing his government upon the ruins of the Majority of Council, and even without any further reſiſtance on their part, or any diſturbance in the ſettlement, there can ſcarcely be a doubt that when the news of theſe tranſactions reached England, they would have excited a general diſapprobation of the violent meaſures by which a Majority of Council had been deprived of their functions, and the Commander in Chief of the forces put under arreſt, and ſuperceded in his command.

Upon that occaſion too, the military officer who had lent his aid for eſtabliſhing that new government, who had availed himſelf of the opportunity to ſupplant and to get into the place and profits of his Commander in Chief, and who had been guilty of diſobedience of orders, both with reſpect to that Commander and the Majority of Council, would moſt probably have felt the ſevereſt effects of the indignation of the Directors and Proprietors of the Honourable Company, and of the public at large.

My reaſon for ſaying that there can ſcarcely be a doubt that ſuch would have been the reception given at home to the violent proceedings in Auguſt 1776 in ſuſpending the Majority of Council, is founded not only on the nature of the incidents themſelves, but on the diſapprobation which has been expreſſed by the India Company of that part of Lord Pigot's conduct, when taken into conſideration in this country at a time, and under circumſtances the moſt favourable for his Lordſhip, and the leaſt auſpicious for thoſe who had oppoſed him.

If any degree of diſapprobation and cenſure of thoſe parts of his Lordſhip's conduct could take place at a time when ſo much generous and natural ſympathy aroſe from the hardſhips and reverſe of fortune which Lord Pigot had experienced,—at a time when the minds of men were in general more filled with animoſity and indignation againſt thoſe who had been the occaſion of his ſufferings, than attentive to any errors or irregularities in his Lordſhip's conduct or principles of government, how different would it have been, if the diſpatches from India, inſtead of bringing accounts of any hardſhips ſuffered by Lord Pigot, or by thoſe who adhered to him, had been filled only with the news of the hardſhips, indignities, and prejudices ſuſtained by the oppoſite party, and of Lord Pigot's having been aſſiſted and abetted in the eſtabliſhment of this new government by the ſecond in the military command, who by this revolution had attained the command in chief?

I am well warranted to ſay, that in the caſe here ſuppoſed, the outcry and indignation both againſt Lord Pigot and Colonel Stuart would have been more general, and better founded, though they could not have been more violent than what Colonel Stuart has experienced in the oppoſite caſe which has happened.

It muſt be allowed then, that Colonel Stuart was moſt unfortunately circumſtanced, ſince whichever ſide of the queſtion he eſpouſed in theſe unhappy diſputes between the Governor and the Council, and to whichſoever of the parties he gave his obedience and ſupport, he was certain of receiving for his reward much future obloquy and perſecution.

But the conſequences affecting himſelf were not the only or the moſt material ones which Colonel Stuart at the time of taking his deciſive reſolution was bound to attend to; it became proper for him further to conſider, what the poſſible or probable conſequences might be, to the Company's ſettlement in that part of the world, in caſe he ſhould obey the orders of Lord Pigot and the Minority, in preference to thoſe of the Majority of Council and the Commander in Chief.

Is it at all probable, that Sir Robert Fletcher, the Commander in Chief, known to have been of a diſpoſition neither timid nor indolent, and who was drove to the neceſſity of making ſome exertion for his own ſafety, to reſcue himſelf from his impending fate; I ſay, is it probable, that he would have tamely and placidly acquieſced in the eſtabliſhment of the government of Lord Pigot and the Minority, and in his own ſuperceſſion and trial by a Court-martial, even ſuppoſing that Colonel Stuart had given his ſupport to Lord Pigot?

Or again is it probable, that all the gentlemen of the ſuſpended Majority would have placidly and tamely acquieſced in that new government, and in their own ſuſpenſion, degradation, and diſgrace, without making ſome efforts to preſerve their rights and their conſequence in the important ſettlement of Madras?

Is it further to be ſuppoſed, that theſe gentlemen of the Council, many of whom had been long eſtabliſhed in India, and had extenſive connections there, and who were embarked in a common cauſe with the Commander in Chief of the troops, would have had no ſupport of friends, civil and military, to eſpouſe their intereſts?——Theſe things cannot be ſuppoſed in conſiſtency with any juſt obſervation on the common courſe of events.

The probability is, if Colonel Stuart, then ſecond in command, had in the month of Auguſt 1776 given his obedience and ſupport to Lord Pigot and the Minority, in oppoſition to the Majority of Council, and Sir Robert Fletcher, the Commander in Chief of the forces, that the conſequences would have been much more ſerious and alarming to the peace and ſecurity of the ſettlement, than any which either actually happened, or were likely to happen, from Colonel Stuart's acting in obedience to the orders of the Majority.

What a dreadful ſcene, and how alarming in its conſequences muſt it have been, if, while one part of the army ſhewed a readineſs to obey the orders of Lord Pigot and Colonel Stuart, another part, either from attachment or obligations to Sir Robert Fletcher their Commander in

Chief, or from thinking his life in danger, or from an opinion that the *legal Government* which they were bound to obey was veſted in the Majority of Council had declared themſelves ready to follow his and their fortunes, and to give their aid for ſupporting that government?

Surely no man can maintain, with any degree of certainty, or even with a ſuperior weight of probability, that this would not have been the caſe; perhaps I might venture to expreſs my ſentiments more ſtrongly on this ſubject, becauſe, after having been at conſiderable pains to inform myſelf accurately, the information I have received from good authority is very poſitive, that ſuch would have been the conſequences; eſpecially too, as the Supreme Council in Bengal had, even before that period, expreſſed their ſentiments very ſtrongly, in diſapprobation of ſome parts of Lord Pigot's conduct; and it is well known, that they afterwards had no heſitation to pronounce the Majority of the Council of Madras to be the *legal government*, and to declare their firm reſolution to ſupport it *.

Theſe particulars have appeared to me neceſſary to be ſtated at ſome length, becauſe, in the courſe of all the diſcuſſions hitherto in relation to theſe unhappy diſturbances at Madras, they ſeem almoſt to have eſcaped obſervation; no juſt allowance has been made for the very critical and difficult ſituation in which Colonel Stuart was placed, and in the midſt of the outcry againſt him, a notion ſeems ſomehow or

* In the letter from the Supreme Council to Lord Pigot of the 10th of September 1776, they expreſs themſelves thus: "We therefore deem it incumbent on us to declare, that the "rights and powers of the Governor and Council of any of the Company's Preſidencies, are "veſted by their original conſtitution, in the Majority of the Board; that the violence com-"mitted by your Lordſhip, in excluding two of the Members of the Council of Fort St. "George, from their places, was a violation of that conſtitution; that the meaſures taken "by the Majority to recover the actual government, which of right is veſted in them, aroſe "from the neceſſity of the caſe; and that we ſhall acknowledge and ſupport the title and au-"thority which they conſequently poſſeſs."

At the ſame time, the Supreme Council wrote to Sir Edward Hughes, commanding his Majeſty's ſquadron in India, "requeſting that he would unite with them in affording his aſſiſt-"ance and ſupport to the actual government of Madras, if any change of circumſtance ſhould "render it neceſſary for them to deſire it."

other to have prevailed, as if he had been officiouſly and unneceſſarily active, without conſidering that he was placed in a ſituation, where it was impoſſible for him to be an idle ſpectator, and where he was reduced to the alternative of paying obedience and giving active ſupport either to Lord Pigot and the Minority, or to the Majority of the Council united with the Commander in Chief.

We all know the total extent of the prejudice and miſchief that has happened in the one caſe; but no perſon can take upon him to ſay, of how much greater magnitude the miſchief and confuſion in the ſettlement might have been, if the contrary event had happened, by Colonel Stuart's obeying the orders of the Minority, inſtead of thoſe of the Majority.

It is the buſineſs of the Members of the Majority who iſſued the orders, to ſhew the neceſſity or propriety of theſe orders, for which they alone are reſponſible; and the only thing incumbent on Colonel Stuart, is to ſhew the neceſſity he was under to obey them; and he perſuades himſelf that he ſhall not only be able to give the utmoſt ſatisfaction on that head, but likewiſe further to prove, beyond the poſſibility of doubt, that he *executed* thoſe orders in a manner, which of all others was the beſt calculated to avoid bloodſhed and confuſion in the ſettlement.

The mode of executing the orders of the Majority for obtaining poſſeſſion of the fortreſs, and for arreſting the perſon of Lord Pigot.

I take it for granted that it will not be diſputed by any man, and much leſs by any man of military experience, that it is a material part of the duty of an officer charged with ſuch an unpleaſant and hazardous order, to ſtudy to execute it in ſuch a manner, as may leaſt endanger the lives either of thoſe who are the objects of the order, or of thoſe by whom it is to be carried into execution, and

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at the ſame time may be the beſt calculated for avoiding tumults in the community.

It is admitted on all hands, that all theſe material purpoſes were completely anſwered by the mode in which the arreſt of Lord Pigot, and the poſſeſſion of the fortreſs of Fort St. George, were accompliſhed; for there was not a life loſt; nay, not the ſmalleſt perſonal hurt received by any one man in the ſettlement upon this occaſion.—Not only ſo, but from the day of Lord Pigot's arreſt, on the 24th of Auguſt 1776, to the arrival of the new Government at Madras, in the end of Auguſt 1777, there had not been any tumult or diſturbance in the ſettlement, in conſequence of the incidents of the month of Auguſt 1776, nor any man impriſoned or injured in his perſon or property; and further, ſo little was there of confuſion or anarchy in the ſettlement, that according to my information, the accuracy of which you, Gentlemen, have the beſt opportunities of knowing, the inveſtments for the Company during that period, from the Madras preſidency, were to a greater amount than they had ever been known during any ſimilar ſpace of time, and the revenues of the Company on re-letting their home-farms contiguous to Madras were very conſiderably encreaſed.

From theſe facts, one would be apt to think, that a great commercial Company, whoſe chief and ultimate object muſt be the peace and tranquillity of the ſettlements belonging to them, and the proſperity of their commercial intereſts, would feel ſome partiality for an officer in their ſervice, who in the execution of ſuch orders, which he thought himſelf under a neceſſity of obeying, had ſo managed, as to avoid every miſchief that might have been fatal to the peace of the ſettlement, or to the lives and properties of thoſe who reſided in it.

In all the papers or letters from Colonel Stuart, public or private, he has always expreſſed the higheſt ſatisfaction that the arreſt of Lord Pigot, and the obtaining poſſeſſion of the Fort, had been accompliſhed without

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any perſonal injury to his Lordſhip or any of his friends, and without one drop of blood being ſpilt upon the occaſion: this he at the ſame time is very confident could not have happened, if he had purſued any other plan, than that which was adopted; and particularly that a very different ſcene, and moſt probably much bloodſhed and tumult, muſt have enſued, if Lord Pigot had been arreſted in the fortreſs of Fort St. George; or if, from the conduct of Colonel Stuart or others, Lord Pigot had perceived or ſuſpected that there was an intention of arreſting him.

Colonel Stuart is alſo perſuaded, and the nature of the circumſtances demonſtrate, that diſagreeable conſequences of the ſame nature muſt have happened, if the obtaining poſſeſſion of the fortreſs and garriſon of Fort St. George had been attempted, without the previous arreſt of Lord Pigot, while his Lordſhip, by his perſonal preſence, joined to that of his adherents, was at liberty to have inſtigated the whole or part of the garriſon, to declare on his ſide, and to reſiſt the orders of the Majority of Council; which orders, he, Colonel Stuart, was bound at all hazards to carry into execution; for the terms of them were very expreſs; they peremptorily required him to put them (the Majority of the Council) in poſſeſſion of the Fort-houſe, garriſon, and fortreſs of Fort St. George.

Colonel Stuart had accordingly formed a plan and taken his arrangement for getting poſſeſſion of the fortreſs at all hazards, and he has no doubt that he could have ſucceeded in it; but at the ſame time thinks that it might very probably have been attended with the loſs of many lives, and in all likelihood would have been more fatal to Lord Pigot and his adherents, than to thoſe who were to carry the orders of the Majority into execution, who knew that they could depend upon the numbers, fidelity, and firmneſs of that part of the troops which they had at their command for the accompliſhment of this undertaking.

The probability or even the chance of ſuch diſagreeable events happening, was ſufficient to determine Colonel Stuart to avoid the meaſures

meaſures of open force, while there was any poſſibility of accompliſhing the ſame ultimate objects by any other juſtifiable means permitted by the terms of the order he had received. This gave riſe to the plan concerted with Colonel Eidington, Captain Lyſaght, and Major Horne, for arreſting the perſon of Lord Pigot, when on his road from the Fort to the Company's Garden-houſe, and of conducting his Lordſhip with ſafety and without inſult of any ſort to the Mount, at the diſtance of about ſeven miles from Madras, there to be under the charge of Major Horne, the commanding Officer of the corps of Artillery, who was a perſon well known to and reſpected by Lord Pigot, and whoſe general character put him above any ſuſpicions of improper treatment of his Lordſhip.

As ſoon as the arreſt of Lord Pigot was over, Colonel Stuart inſtantly returned to Madras, and put the garriſon and fortreſs into the poſſeſſion of the Majority of Council, from whom he had received his orders; and in this manner, by the ſecrecy and rapidity with which he carried into execution the orders he had received only the preceding day, every object was accompliſhed, without the loſs of one life, and without any diſturbance in the ſettlement.

But, notwithſtanding the rapidity with which theſe deciſive ſteps were taken, an incident happened on the evening of the 24th, even after it was known that the perſon of Lord Pigot had been arreſted, which, though it has hitherto been little adverted to, is well worthy of attention, becauſe it tends to ſhew what alarming conſequences might poſſibly have happened, not only to Lord Pigot himſelf, and his friends, as well as to thoſe that oppoſed them, but even to the ſettlement in general, if Colonel Stuart, in the execution of the orders, had followed any other plan than that which he actually adopted for attaining poſſeſſion of the fortreſs.

The incident I allude to, is what happened on the parade, in the evening of the 24th of Auguſt, after Lord Pigot had been arreſted, and when the fortreſs of Fort St. George had been put into the poſſeſſion

of

of the new government. Mr. Claud Ruſſel, one of the Civil Counſellors of Lord Pigot's party, was found that evening ordering the guards to ſtand to their arms, to pay obedience to him, as the commanding officer in the abſence of Lord Pigot, and endeavouring, by every means in his power, to excite the guards to reſiſtance and violence, while, at this very time too, Mr. Stratton and Mr. Brooke, both ſeniors to Mr. Ruſſell in the Council, were actually in Fort St. George, and aſſembled upon public buſineſs in the Council-chamber at the Fort-houſe.

I beg leave to ſtate theſe incidents preciſely in the words of the information given by Mr. Ruſſel himſelf, when examined upon oath before the Coroner's inqueſt at Madras, upon the 13th of May 1777; in page 29th and 30th of the collection of papers lately publiſhed relating to that Inqueſt, Mr. Ruſſell ſtates what paſſed upon the parade in the fortreſs of Fort St. George, in the evening of the 24th of Auguſt, in theſe words:

" *Hearing ſoon after that Lord Pigot had been carried a priſoner to* " *the Mount, this Informant (Mr. Ruſſel) thought it his duty, as ſe-* " *cond in Council, to repair immediately to the Fort. In his way thi-* " *ther, this Informant met with Mr. Stone, who accompanied this In-* " *formant; when they entered the Fort and came near to the main-guard,* " *this Informant met the Town-major, Captain Wood, who told this In-* " *formant, that he (Captain Wood) had been put under an arreſt for doing* " *his duty; this Informant therefore directed the Town-adjutant, Lieu-* " *tenant Pendergait, who happened to be near, to go to the Captain of* " *the main-guard, and acquaint him, that it was his orders, in the ab-* " *ſence of Lord Pigot, that the guards ſhould ſtand to their arms. Ob-* " *ſerving that the Captain of the main-guard (Captain Adair) heſitated* " *to comply with thoſe orders, this Informant went himſelf to Captain* " *Adair and repeated his orders, appriſing Captain Adair of the danger* " *of refuſing obedience, as this Informant was the commanding Officer in* " *the abſence of Lord Pigot, under whoſe orders the guards were.* " *Captain Adair ſeemed to be much alarmed, and muttered ſomething* " *about the Commander in Chief; upon which this Informant aſked Cap-*

" *tain Adair, if he had received any orders contrary to what this In-*
" *formant then gave him. Captain Adair anſwered in a confuſed man-*
" *ner, that he had received orders from the Commander in Chief. About*
" *this time a crowd of officers aſſembled round, and as the guard ap-*
" *peared to be ſtanding to their arms, part having already fallen in,*
" *this Informant was advancing towards their front, when Colonel*
" *James Stuart came up to this Informant, and told him he muſt go to*
" *the Conſultation-room. This Informant replied, he was not under*
" *the orders of Colonel Stuart, but on the contrary, that he was under*
" *the orders of this Informant. Some more words to the ſame tendency*
" *paſſed between Colonel Stuart and this Informant, when Colonel Stuart*
" *called out orderlies, ordering them to ſeize the Informant. Lieutenant*
" *Colonel Eidington and Captain Barclay, each ſeizing this Informant*
" *by the arm, this Informant called out to the officer of the guard for*
" *aſſiſtance, but in vain, although ſome of the grenadiers did ſtep out of*
" *their ranks. In this manner, this Informant was dragged by Colonel*
" *James Stuart, Lieutenant-colonel James Eidingtoun, and Captain*
" *Barclay, ſome orderlies puſhing this Informant behind, to the Council-*
" *room; where this Informant found Meſſrs. George Stratton, Sir Ro-*
" *bert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis*
" *Jourdan, and George Mackie, ſitting at the Council-table. This informant*
" *was detained in the Council-room, until Colonel James Stuart dictated a*
" *narrative of what had paſſed upon the parade, to Mr. Jourdan, who*
" *appeared to act as ſecretary.*"

In another account given by Mr. Ruſſel of this ſame matter, alſo upon oath, in the month of Auguſt 1776, there are the following additional circumſtances:

" *That Colonel Stuart, upon ſeeing ſeveral of the grenadiers advancing*
" *from the ranks towards him (Mr. Ruſſel), ſeem'd to be ſo much*
" *alarm'd with this, that he quitted his hold of the Deponent (Mr. Ruſ-*
" *ſel), and ran back to puſh the grenadiers into the ranks, with oaths*
" *and threats; that, after effecting this, Colonel Stuart returned to aſſiſt*
" *Colonel Eidington, and Captain Barclay, by laying hold of the Depo-*

" *nent's*

" *nent's wriſt, and calling for an orderly ſerjeant, to puſh him (Mr.*
" *Ruſſel) behind.*"

The inference I draw from theſe facts is, that when we ſee that ſuch a ſenſation and beginning of diſturbance could be produced in the garriſon at a time ſo unfavourable for Lord Pigot's friends, when his Lordſhip was in ſafe cuſtody with the corps of artillery at the Mount; and when there was ſo little time or opportunity afforded them to prepare for any plan of reſiſtance; and when we ſee that this Gentleman, Mr. Ruſſel, though unſupported by the other Members of the Minority, was reſolutely bent on reſiſtance, did every thing in his power to excite the guards to it, and had actually made ſuch an impreſſion, as at one time to make ſome of the guards ſtand to their arms, and afterwards to excite ſome of the grenadiers to ſtep out of their ranks to give him ſupport, if the further progreſs of theſe firſt impreſſions had not been checked by Colonel Stuart's violently threatening and puſhnig back theſe grenadiers, and afterwards laying hold of Mr. Ruſſel, and forcibly taking him from the parade; I ſay, when we obſerve all theſe things, do they not afford the moſt complete conviction, that if Lord Pigot had not been arreſted, but had been with the garriſon, or at liberty, at the time when Colonel Stuart, in obedience to his orders, was to ſeize the fortreſs, there muſt have enſued a very ſerious conflict, and the loſs of many lives.

Without any diſparagement to Mr. Ruſſel, who I know enjoys a reſpectable character, and who ſhewed as much zeal and reſolution as was poſſible for any man in his circumſtances, I may on good grounds preſume, that Lord Pigot himſelf, had he been in a ſituation to act, would not have been leſs zealous or leſs determined; and that his perſonal preſence in the garriſon, where, as Governor of the fort, he had a right to command, and accompanied with friends who would have ſupported him on the occaſion, could not have failed to have produced a very different ſpirit and degree of reſiſtance among the troops in the garriſon; it muſt have been of a much more ſerious nature, than what was or could be produced by the efforts of any of the Counſellors of Lord Pigot's party, who had never acted but in a civil capacity.

Lord

Lord Pigot's former military actions, his rank, the command he was accuſtomed to have of the guards of the garriſon, and his known intrepidity and warmth of temper, would certainly have diſpoſed many of the guards to have obeyed him; and there can hardly be a doubt that he would have riſked his own and their lives, rather than yield to the power which required poſſeſſion of his garriſon; and that in all probability he and many of his adherents, overpowered by numbers, would have fallen.

Let any man fairly eſtimate in his own mind theſe events which, in all human probability, would have happened, compare them with thoſe which actually did happen, and then declare ingenuouſly, whether he thinks Colonel Stuart is entitled to merit or demerit, with the Eaſt India Company, with Lord Pigot's friends, and with this country in general, for preferring to every other, the plan which was actually purſued.

The objections to the mode of arreſt conſidered.

The mode of arreſting Lord Pigot, and ſome of the circumſtances attending the accompliſhment of it, have been loudly complained of, not as affecting either the peace of the ſettlement, or the intereſts of the Company; but on this ground, that the arreſt is ſaid to have been brought about in a manner that was unhandſome, and deceitful, and that I may not ſeem to avoid ſtating it in the ſtrongeſt terms, even treacherous to Lord Pigot.

Upon theſe topics every circumſtance or commentary that could be collected from the mouths of enemies to Colonel Stuart, has been wrought up with uncommon ingenuity to inflame the minds of the Eaſt India Proprietors, and of the public at large, againſt him; ſo much ſo, that there could not have been more rage and violence, if, inſtead of applying his utmoſt attention and management to ſave Lord Pigot's life, he had been guilty of his murder; or if, inſtead of avoid-

ing confuſion in the Settlement, he had involved it in tumult and bloodſhed.

If it were unqueſtionably aſcertained upon an examination of unprejudiced and impartial perſons, that Colonel Stuart, in the circumſtances in which he was placed, had acted improperly and with deceit, harſhneſs, or treachery to Lord Pigot, I may venture to ſay that there is no perſon to whom that part of his conduct could give more uneaſineſs, and real concern, than to myſelf; or who would be leſs apt to attempt any vindication, even of a Brother, in ſuch particulars.

I ſhould have no heſitation to condemn any harſh or improper behaviour towards Lord Pigot, on a double account; both becauſe ſuch behaviour would be very unſuitable from one Gentleman to another, and becauſe Lord Pigot was a character entitled to reſpect and attention from the world in general, and particularly from thoſe connected with the Eaſt India Company, to which he had rendered ſuch ſignal ſervices at a former period of his life.

But when the minds of men are much heated in party conteſt, we are not to give implicit faith to the aſſertions either of the one party or the other, with regard to the conduct of a perſon, whoſe part in the buſineſs allotted to him has rendered him obnoxious,—eſpecially in ſo far as theſe aſſertions relate not to ſubſtantial facts, incapable of being miſtaken, but relate to expreſſions uttered in the courſe of converſation, and even to the manner, and the tone of voice which accompanied them.

It happens ſo often that ſuch expreſſions, and the circumſtances attending them, are meant, underſtood and related in ſo very different a manner, by different perſons preſent at the ſame inſtant, that no ſolid reliance can be placed on them as articles of accuſation.

I therefore ſhall not think it neceſſary to take much notice of ſome of the articles which fall under that deſcription; let it however be remembered, that the accounts which were in the beginning circulated by one party, concerning Colonel Stuart's expreſſions, or converſations, in the courſe of the tranſactions of the 24th of Auguſt, are expreſsly denied and contradicted by the other party.

When

When the accounts of the diſturbances at Madras firſt reached this country, Colonel Stuart's friends were not ſupplied with the proper information for anſwering the various aſſertions or calumnies with which his conduct was attacked; becauſe not having any idea that he was to be traduced in ſuch a manner, he had not ſupplied his friends with the means of obviating or refuting the imputations.—Colonel Stuart at Madras could not divine the terms of the Letter which Mr. Dalrymple wrote from Alexandria, at the diſtance of many hundred miles;—nor could he foreſee at Madras, the liberties which, in conſequence of that Letter, and of other reports circulated at the commencement of this Indian diſpute, were taken with him in this country, at the diſtance of ſome thouſand miles.

The firſt time that his attention to certain imputations was more particularly excited, was in the month of April 1777. He was at that time at Tanjore, and received, by means of a friend at Madras, the copy of a pamphlet or caſe drawn up on Lord Pigot's part, which had been printed with great ſecrecy in India, to be forwarded to this country.

By the firſt conveyance, after he had ſeen that pamphlet, I received a letter from my Brother, wherein, amongſt other things, he particularly gives an account of what paſſed in the Council-room on the evening of the 24th of Auguſt, immediately before the arreſt took place; and the account there given, expreſsly contradicts the declarations, imputed by Lord Pigot's friends to Colonel Stuart, during the courſe of that interview in the Council-room. What he ſays to me in his private letter on this ſubject, which I am ready to ſubmit to your peruſal, is in theſe words:

" As to what is *falſely ſaid* of my having given my honour to obey
" the orders of Lord Pigot's faction, I truſt, that, independent of my
" own aſſertion being full as good as the aſſertion of Mr. Ruſſel ſo
" nearly connected, the evidence of Mr. Sullivan, who was preſent,
" and then acting as Secretary, will be more than ſufficient to overturn
" the calumny; but if I may be believed to have any memory, or to
" be poſſeſſed of common ſenſe, or conſiſtency of conduct, none who

" know

" know me as ſuch can poſſibly think, that the man who wrote and de-
" livered the letter the morning of that memorable day, the 24th of
" Auguſt (of which you have a copy), could poſſibly make ſuch a
" declaration the ſame evening.

" Very true it is, indeed, that the members of Lord Pigot's faction
" had ſummoned me to meet them in order to croſs-queſtion, and if
" poſſible, commit and entrap me in ſome ſnare; and as I had no pre-
" vious notice of their intention, it required the utmoſt effort of
" caution and prudence in me to elude their intentions. At the
" preciſe time of this fiery ordeal, the ſecret was in the power of near
" fifty perſons, including the parties at that very moment poſted on
" the road to the Garden-houſe under the Adjutant-general, and Cap-
" tain Lyſaught; the commanding officer of the artillery at the Mount,
" had alſo orders to receive him; the Commandant of the Fort had
" likewiſe agreed to receive my orders on every emergency; Lord
" Pigot's chaiſe was at the door; what then was for me to do, at
" that moſt critical period? Had I bluntly contradicted their aſſertions,
" with regard to their legal powers, or in direct terms refuſed to obey,
" the Settlement muſt have been involved, together with myſelf and
" the Gentlemen who obeyed my orders from a ſenſe of their duty, in
" ſcenes of the greateſt horror; for Lord Pigot, as was natural to
" ſuppoſe, was reſolved to have remained in the Fort, and to have
" exerted every authority given him by his military commiſſion; and I
" was equally reſolved to have carried him by force from thence to the
" Mount, at the riſk of falling in the attempt. What other line could
" a man of common prudence or humanity follow, than that which I
" I did, viz. neither aſſerting nor denying their propoſitions, but ap-
" pearing, as I really did, paſſive on the occaſion. It was a trial of
" ſkill, which laſted at leaſt three quarters of an hour. Inſtead of ſelf-
" condemnation, the retroſpect of the part I acted at that time affords
" me the greateſt ſatisfaction, becauſe, under Providence, to that is
" owing, what the annals of hiſtory will not produce, viz. ſo univer-

" ſal a change being brought about ſo ſuddenly and without any indi-
" vidual being hurt in his perſon."

But there is one circumſtance, which does not fall within the deſcription of expreſſions or converſations, liable to be miſtaken, and it is that which of all others has made the moſt noiſe, and excited the greateſt prejudice againſt Colonel Stuart in this buſineſs, the circumſtance of his *accompanying Lord Pigot in the chaiſe* at the time when he was arreſted.

That Colonel Stuart did accompany Lord Pigot in the chaiſe from the Fort to the place where he was arreſted, on the 24th of Auguſt, which was about 700 paces from the fort of Madras, is certainly true; and I have no heſitation to ſay, that ſince Lord Pigot was to be arreſted, I moſt ſincerely wiſh that it could have been accompliſhed without Colonel Stuart's attending him in the chaiſe, ſuppoſing that practicable with equal ſafety to his Lordſhip's perſon, and to the peace and ſecurity of the ſettlement: for I do own, that to perſons at a diſtance from the ſcene of action, this circumſtance carries, upon its firſt appearance, ſomething very diſagreeable and unfavourable for the perſon who was placed, or placed himſelf, in that ſituation.

I have no right to be ſurpriſed that it ſhould have excited, in the early ſtages of this buſineſs, a conſiderable degree of prejudice againſt Colonel Stuart, ſince even the relation and friendſhip between him and me did not at that period totally exempt me from the influence of the ſame prejudices.

At the time when theſe prejudices moſt prevailed, which was upon the arrival of the firſt accounts of the unhappy diſturbances at Madras, no perſon in this country was ſupplied with proper information as to the motives of Colonel Stuart's conduct in that particular; nor was there any allowance made for the conſiderations of a public nature, which might have induced him to take this ſtep of attending Lord Pigot in the chaiſe, even at the riſque of temporary impreſſions to the prejudice of his character as a private man.

I do

I do not mean, however, to enter into the diſcuſſion of any abſtract unneceſſary queſtions; nor ſhall I attempt to mark out the preciſe line to be purſued, where the duties which one owes to the public, are to be put in competition with thoſe which a man may fairly be ſuppoſed to owe to himſelf.

Theſe are queſtions of delicate diſcuſſion, and whether decided in one way or the other, there are ſo many hazards that general maxims upon ſuch topics may produce miſchief to ſociety rather than utility, that it is perhaps better to avoid, than to embrace any opportunity of abſtract reaſoning upon them.

But this I may venture to affirm, that when the conduct of any man is unfortunately diſtracted by contradictory obligations, and when the duties he owes to the general intereſts of the ſtate, or to that particular body of men, in whoſe ſervice he is employed, happen to interfere with the attention due to his own private character and reputation; the deciſion in ſuch an alternative muſt be truly diſtreſſing. A plauſible ground will always remain for cenſure and diſapprobation, and, as has happened in Colonel Stuart's caſe, men will impute to the errors of conduct what aroſe from the difficulties of ſituation.

Inſtead, therefore, of entering into the diſcuſſion of any general queſtion, I ſhall only beg leave to ſtate the particular ſituation in which Colonel Stuart found himſelf, at the time when it appeared to him of eſſential conſequence that he ſhould accompany Lord Pigot in the chaiſe,—to point out the hazards which might have enſued if this mode had not been adopted,—and to endeavour to correct the errors and miſrepreſentations which attended the firſt editions of this ſtory; for in the accounts at firſt circulated, circumſtances of friendſhip and connection between Lord Pigot and Colonel Stuart, and of treacherous deceits practiſed upon his Lordſhip, were ſuperadded to the fact of Colonel Stuart's accompanying him in the chaiſe, and theſe miſrepreſentations no doubt contributed greatly to excite the violence that at firſt appeared againſt Colonel Stuart.

After performing this propoſed taſk, I ſhall not preſume to offer any opinion of my own, but leave it to you, Gentlemen, to form your own judgment upon this part of Colonel Stuart's conduct.

Whatever degree of management or addreſs, Colonel Stuart may have employed in the arreſting Lord Pigot's perſon, and obtaining poſſeſſion of the fortreſs, I preſume that I may be allowed to take it for granted in the firſt place, that no one at all acquainted with Colonel Stuart's character, or the incidents of his life, will ſuppoſe that his conduct upon this occaſion was ſuggeſted or regulated by the motives of attention to his own perſonal ſafety; his military ſervices, and even the acknowledgment of his enemies, leave no room to queſtion his perſonal courage and intrepidity.

There can hardly be a doubt in the mind of any man, that the meaſure of arreſting Lord Pigot privately, in preference to the other alternative of ſecuring his perſon in an open and violent manner, proceeded from a deſire of not occaſioning the loſs of lives, and of preventing any tumults and confuſion in the ſettlement; and it may not be aſſuming too much to add, that it proceeded alſo from a deſire to avoid any chance of injury to Lord Pigot's perſon. The only queſtion is, whether, in the accompliſhment of theſe purpoſes, Colonel Stuart employed more addreſs, than is juſtifiable, even for the attaining any great public objects.

It ſeems to be generally agreed, that ſince Lord Pigot was in all events to be arreſted, it was much more proper that his arreſt ſhould be accompliſhed in a private manner, without noiſe or diſturbance, than that the hazard ſhould be incurred of any tumult or ſcuffle, by an open and violent arreſt. This preference of *a private arreſt*, includes in it an approbation of ſome degree of management, ſome addreſs or ſurpriſe in the accompliſhment of the buſineſs recommended to the executive officer; for without theſe it ceaſes to be of the nature of a private arreſt, the very object of which is to lay hold of the perſon to be arreſted, when unſuſpecting any ſuch intention againſt him, and unprepared for reſiſtance.

So far at leaſt then is clear, that it ought not to create any prejudice againſt Colonel Stuart, that he ſecured Lord Pigot's perſon when unprepared for reſiſtance, and without any ſuſpicion of what was intended.

This may afford an anſwer to a conſiderable part of the outcry which was raiſed by the undiſtinguiſhing multitude, who were affected by the contraſt drawn, and by the pathetic deſcription given of Lord Pigot, unprepared for defence, and free from ſuſpicion; while he, Colonel Stuart, had ſettled in his own mind the plan which he was to purſue, and ſo conducted himſelf, that Lord Pigot could form no ſuſpicion of the event that awaited him.

Even if Colonel Stuart had been on terms of great intimacy or friendſhip with Lord Pigot, the very reverſe of which I beg leave to obſerve, was the fact, it will probably be allowed by thoſe who attend to the circumſtances of the reſpective ſituations of Lord Pigot and Colonel Stuart, at that time, that it would have been a blameable inſtead of a praiſe-worthy action on Colonel Stuart's part, if he had not concealed from his Lordſhip the orders he had received, and the means by which he propoſed to carry them into execution; for in judging fairly upon this point, it muſt be taken into conſideration, that Colonel Stuart was not only convinced of his duty to obey that order with fidelity and ſecrecy, but at the ſame time convinced that the ſafety of Lord Pigot's perſon, and the preſervation of many lives, depended upon his Lordſhip's having no ſuſpicion of what was intended.

That the merit or demerit of theſe ſteps of concealing from Lord Pigot the intended arreſt, and of attending him in the chaiſe, may be fairly appretiated, it is neceſſary, that they ſhould be ſeparated from thoſe additional circumſtances, which were artfully interwoven with the firſt accounts of this tranſaction, and having ever ſince accompanied the criticiſms on Colonel Stuart's conduct, they have been one of the principal means of carrying to ſuch a height the prejudices againſt him.

It was ſaid, that Colonel Stuart, at the time of theſe tranſactions, was in habits of friendſhip and intimacy with Lord Pigot, and even poſſeſſed a conſiderable ſhare of his confidence; that he was under obligations to Lord Pigot, or at leaſt was courting his favour and confidence, that he had invited himſelf to ſup with Lord Pigot on the 23d of Auguſt, and to breakfaſt, and then to dinner and ſupper with him on the 24th, the day of the arreſt; and that all this was done ſolely with a view of *betraying his friend.*

This, to be ſure, was a very unfavourable repreſentation for Colonel Stuart, and it is not ſurpriſing that it ſhould have excited a warm indignation againſt him;—it will now, however, appear that not one of the above particulars has the leaſt foundation in fact.

That Colonel Stuart was in no habits of friendſhip or intimacy with Lord Pigot, at or about the time of theſe tranſactions, is a fact not only aſſerted by Colonel Stuart, in the various letters received from him, but was known almoſt to every perſon at Madras; and there are ſeveral Gentlemen from India, now in London, both in the civil and military departments of the Company's ſervice, who can atteſt the truth of theſe aſſertions.

But, independent of any other teſtimony, the records of the Company afford ſatisfactory evidence upon this point. It there appears, that Lord Pigot, for a conſiderable time before the incidents of the 23d and 24th of Auguſt 1776, had been in a courſe of thwarting and oppoſing every plan that had been propoſed by Colonel Stuart's friends, with a view to his being eſtabliſhed in a particular military command, which from his rank in the ſervice, from the importance of the command, and from the opinion of the Commander in Chief, Colonel Stuart was thought to have a good title to expect.

From the 25th of June 1776, upon which date Sir Robert Fletcher propoſed at the Council Board, that Colonel Stuart ſhould be appointed to the command of Tanjore, to the 22d of Auguſt 1776, when Lord Pigot ſuſpended two of the counſellors, for ſigning an order to the Se-

eretary, directing him to ſign the inſtructions to Colonel Stuart, as Commander of Tanjore; Lord Pigot was conſtantly in oppoſition to the propoſed appointment of Colonel Stuart to that command, and it was the diſpute between the Majority and his Lordſhip, in relation to theſe inſtructions to Colonel Stuart, that brought matters to a criſis between them on the 22d of Auguſt, which, it is material to obſerve, was but two days before the arreſt of Lord Pigot.

By attending to this fact, and to theſe dates, every man muſt be convinced, that there were no apparent habits of friendſhip between Lord Pigot and Colonel Stuart at or about the time when the Colonel, in obedience to the orders which he received from the Majority of Council on the 23d of Auguſt, concerted and executed the plan for arreſting Lord Pigot's perſon; at leaſt, the ſtrong and marked oppoſition which Lord Pigot, had given during the courſe of many weeks, to Colonel Stuart's obtaining the command at Tanjore, was either a ſymptom of their being on bad terms, or a circumſtance not likely to produce much cordiality and friendſhip between them.

The other imputation of Colonel Stuart's courting Lord Pigot's favour, will be found equally unjuſt and injurious.

Inſtead of Colonel Stuart's courting Lord Pigot, for the command of the army, it has already been ſhewn that he declined that command in July 1776, when Lord Pigot, wiſhing to get rid of Sir Robert Fletcher, offered the command in chief to Colonel Stuart, then ſecond in command; from that time till the 23d of Auguſt there was no intercourſe between Lord Pigot and Colonel Stuart, nor were they in any habits of friendſhip or intimacy.

With reſpect to the tranſactions and conferences between them on the 23d and 24th of Auguſt, they exhibit an uncommon and ſingular ſcene, in which there appears ſomething very different indeed from Colonel Stuart's attempting to inſinuate himſelf into the good graces of Lord Pigot and his friends. Inſtead of Colonel Stuart's courting Lord Pigot, it is evident that Lord Pigot was courting Colonel Stuart; ſenſible of

the importance of gaining him over to their intereſts, Lord Pigot and his friends were at that very time not only endeavouring to perſuade him to act as Commander in Chief, but uſing every effort and addreſs to obtain from him ſome expreſs or implied acknowledgment that he had accepted of that command; while he, on the other hand, thus beſet, was very much puzzled how to avoid this proffered honour, and at the ſame time not to divulge the ſecret of the orders he had received from the Majority of Council, which he thought himſelf indiſpenſably and conſcientiouſly bound to obey.

Colonel Stuart's preſence at the ſupper on the evening of the 23d, and at the breakfaſt and dinner on the 24th, at Lord Pigot's houſe, have alſo been converted into charges againſt him.——They happened merely as the accidental and natural conſequences of the intercourſe which was brought on in the courſe of theſe two days, at Lord Pigot's deſire, that he might have a more favourable opportunity of uſing every effort to prevail on Colonel Stuart to accept the command in chief.

Had it not been for this circumſtance, Colonel Stuart, who had not dined or ſupped with Lord Pigot during ſeveral weeks, and who, in that interval, had met with no new inducements to increaſe his deſire of intruding upon his Lordſhip at his convivial hours, would certainly not have partaken of his repaſts on the 23d and 24th of Auguſt, and it is now well aſcertained that he did not intrude himſelf, but *was invited*; and particularly it appears, that when he accepted of Lord Pigot's invitation to ſup with him on the 23d, he (Colonel Stuart) added this condition to the acceptance of the invitation, " that there ſhould be " nothing of buſineſs talked of."

As to the dinner on the 24th, whether Colonel Stuart invited himſelf, or was invited, though the fact is, that he went there by invitation, it is really of little conſequence; for at Madras it is cuſtomary for the officers, and in general for every perſon in a certain rank, to dine with the Governor, who keeps an open table; and the partakers of the

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dinner are ſo very numerous that it is no mark of particular intimacy or friendſhip for a man either to be invited, or to come uninvited upon ſuch occaſions.

With regard to the propoſed ſupper at the Garden-houſe on the evening of the 24th, which did not take place, it was at firſt poſitively aſſerted in this country, that Colonel Stuart had invited himſelf to that ſupper, and much emphaſis was put upon that, as well as upon the other ſuppoſed ſelfinvitations; but it has ſince appeared from Lord Pigot's own letter to the Directors, dated the 3d of September 1776, that the invitation came from his Lordſhip, whoſe words in that letter are: "After dinner I invited him to ſupper at the Company's Garden-"houſe, which invitation he accepted."

That you may perceive the authority I have for contradicting the aſſertions, not only with reſpect to Colonel Stuart's intruding himſelf upon Lord Pigot at his convivial hours, but alſo as to his being on terms of intimacy or friendſhip with his Lordſhip about the time of the arreſt, I beg leave to inſert the paragraph of a letter which I received from Colonel Stuart, of ſo old a date as 13th December 1776. It is in theſe words:

"It has likewiſe been given out by my enemies, that I was at the "time in the greateſt habits of intimacy with him (Lord Pigot), and "approved of his meaſures. The fact is directly the contrary; for "we had not been on ſpeaking terms for a very conſiderable time be-"fore, and I had not dined at his houſe from the latter end of June "until the 24th of Auguſt, that he aſked me to dine, as is uſually the "caſe when any one breakfaſts with the Governor, and the occaſion "of my breakfaſting was the delivering a letter of which I ſent you a "copy."

It remains now to ſtate what relates to the fact of Colonel Stuart's accompanying Lord Pigot in the chaiſe to the place of arreſt; ſeparated from thoſe miſrepreſentations concerning his friendſhip and intimacy with Lord Pigot, which have hitherto conſtantly attended the mention of that fact.

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It was on the 23d of Auguſt that Colonel Stuart received the orders from the Majority of Council, to put them in poſſeſſion of the fortreſs and garriſon of Fort St. George, and to arreſt Lord Pigot. Colonel Stuart accordingly took his meaſures for ſeizing the fortreſs, and for arreſting the perſon of Lord Pigot, even in the Fort, if it could not be otherwiſe accompliſhed; but he foreſaw that this might be attended with very diſagreeable and fatal conſequences.

It therefore became a moſt natural and meritorious wiſh, on Colonel Stuart's part, that the moſt effectual means ſhould be uſed to avoid theſe conſequences; there was little time left for deliberation, nor could the matter be allowed to hang over in ſuſpence, in expectation of any accidental opportunities of arreſting Lord Pigot's perſon in a private manner, for the ſecret of the orders ſigned by the ſeven Members of the Majority was already in many hands.

On the 24th of Auguſt, Colonel Stuart having learnt that Lord Pigot intended to ſup that evening at the Company's Garden-houſe, it occurred, that this was an opportunity not to be neglected; and that it afforded the beſt, if not the only chance of arreſting Lord Pigot in a private manner, without tumult or bloodſhed. It was therefore reſolved, that Lord Pigot's carriage ſhould be ſtopped, and his perſon ſecured, when on the road from Madras to the Garden-houſe.

The execution of the plan was intruſted to three officers of diſtinguiſhed rank and merit in the Company's ſervice, Colonel Eidington, the Adjutant-General, Captain Lyſaght, commanding officer of a battalion of Sepoys, and Major Horne, who commanded the artillery at the Mount; and their inſtructions were, to conduct Lord Pigot to Major Horne's houſe at the Mount, there to be under the charge of that officer, and to be treated with every poſſible mark of perſonal attention and reſpect.

The place where Lord Pigot was to be arreſted was very near both to the Fort and town of Madras, and to the Sepoy guard at the Garden-houſe. The total diſtance from the Fort to the Garden-houſe

is ſomewhat leſs than a mile, and the place choſen for the arreſt was not three quarters of a mile from the Fort, and not 200 yards diſtant from the barracks of the Governor's guard at the Garden-houſe, which is the place of his reſidence, and where there is always a conſiderable part of a battalion of Sepoys for the Governor's guard. In theſe circumſtances it was not eaſy to foreſee what incidents might poſſibly ariſe to obſtruct or prevent the arreſt in the event of Lord Pigot's making reſiſtance, nor was it eaſy to guard againſt the fatal conſequences that might be produced by a ſcuffle enſuing, where an alarm might ſo ſpeedily be ſpread.

Colonel Stuart having given poſitive orders to Colonel Eidington and Captain Lyſaught, to arreſt Lord Pigot that evening, theſe officers would have thought themſelves peremptorily bound in all events to have obeyed theſe orders; nor could they have taken it upon them, if their commanding officer was not preſent, to vary the orders, or the execution of them, as circumſtances might require.—This was one ſtrong inducement to Colonel Stuart to be preſent, and for that purpoſe to accompany Lord Pigot in the chaiſe that evening;—Colonel Stuart being the commanding officer, who had given the orders, he was the only perſon who could adapt the execution of them to the exigency of ſuch circumſtances as might occur; for, in critical affairs of this nature, it often happens that unexpected circumſtances beyond the reach of human foreſight ariſe in a moment, ſufficient to baffle the beſt concerted plan, unleſs the remedy be as inſtantly applied.

It occurred alſo to Colonel Stuart, that his being in the ſame chaiſe with Lord Pigot, would more eaſily prevent the confuſion which would probably take place from his Lordſhip's attempting to drive his horſes paſt the officers who were ordered to arreſt him, and who were on foot, and in the event of a ſcuffle might very probably have fired into the chaiſe.

No ſituation can be imagined in which more reaſons could concur, for ſtudying every precaution that could poſſibly tend to prevent any alarm, ſtruggle, or confuſion; for if the plan of arreſt had failed

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in the execution that night, *the very attempt*, whether defeated by reſiſtance and the loſs of lives, or by Lord Pigot's eſcaping from thoſe who had been ordered to arreſt him, muſt have been productive of the greateſt confuſion, and have involved the ſettlement in all the horrors of a civil war.

In ſhort, it appeared to Colonel Stuart at that time, and he ſtill continues of the ſame opinion, that it would have been unpardonable in him in his ſituation to ſuffer the apprehenſion of the commentaries which malice, or miſtake, might ſuggeſt, to have outweighed the importance of the various objects and motives of a public nature, as well as the conſiderations of humanity for Lord Pigot himſelf, and for others, which concurred to excite him to this ſtep of attending his Lordſhip in the chaiſe to the place of arreſt.

If the events ſubſequent to the arreſt had ſhewn that Lord Pigot, by Colonel Stuart's attending him in the chaiſe, had been brought into a ſnare which would not otherwiſe have happened;—if the object of it had been to affect his life, or even to expoſe him to more perſonal injury;—or if it had appeared that Colonel Stuart could have been actuated to this particular mode by ſiniſter views or motives of ſelf-intereſt, and was to receive any perſonal benefits from accompliſhing the arreſt in this manner; in all or either of theſe caſes, Colonel Stuart admits that the circumſtance of his attending Lord Pigot in the chaiſe ought to be viewed in a very exceptionable light, and to receive every unfavourable interpretation which either has been, or can be beſtowed upon it.

But he apprehends that the reverſe of all theſe injurious ſuppoſitions have been eſtabliſhed beyond the poſſibility of doubt.

I ſhall here beg leave to tranſcribe the paragraph of a letter dated the 14th of September 1777, which I received a conſiderable time ago from my Brother, the original of which is at your command; and what I am now to tranſcribe, will ſerve alſo for the purpoſe of refuting the very unjuſt imputation endeavoured to be fixed upon Co-

lonel Stuart's character, by thoſe who pretended to believe, or attempted to perſuade others, that in the moment of the arreſt, Colonel Stuart, by his expreſſions and manner, had behaved harſhly and even brutally to Lord Pigot.

The paragraph is in theſe words:

" I again and again repeat, that no other way than what I followed, " ſuggeſted from the moſt tender regard to humanity, and to the " ſafety of Lord Pigot's own life, could have effected this arreſt with- " out confuſion or bloodſhed. In the letter I wrote ſeveral weeks ago, " I have entered particularly into the mode of my ſeizing Lord Pigot, " in anſwer to the paper printed here; I ſhall here add, and declare the " ſame before God, that not an uncivil or improper word fell from my " mouth on that occaſion. When the Adjutant-general ſtopped the chaiſe, " in which I was along with Lord Pigot, he (Lord Pigot) made a ſhort " pauſe, and was looking about him; we were then in the middle of " the road, at a very ſmall diſtance from the Sepoy-guard at his Gar- " den-houſe, and many ſervants round the chaiſe, and many people " paſſing in the road.—The moment was critical, not only becauſe the " leaſt noiſe extraordinary would have alarmed, but what is particular, " as the reins were in his hands, and the horſes very ſpirited, he might " have forced them on, in ſpite of me, and the certain conſequence " would have been his getting home; and myſelf, with all the officers or " others, who, with me, thought it our duty, to obey the Majority as the " legal government, muſt have been diſmiſſed the ſervice, or tried for our " lives. This led me, on obſerving a kind of heſitation to obey on " the part of Lord Pigot, forthwith to ſeize the reins with one hand, " and put my other hand to his arm: to the beſt of my recollection, " the preciſe words I made uſe of were, " *My Lord, you muſt go out.*" " They were uttered, not in a brutal or contemptuous tone of voice, " but with the tone of reſpect as well as anxiety.—Lord Pigot then " inſtantly went out, without my ſaying one word more, or his making " any anſwer."

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In another letter, wrote by my Brother to me from Tanjore, in May 1777, there are the following paragraphs on the ſubject of Lord Pigot's arreſt:

" I choſe to obey, what I judged from common ſenſe, and what the " Governor-general and Council has ſince eſtabliſhed to be, the only le- " gal government. I have ſaid that it was at a great riſque that I did this ; " becauſe every thing that has happened to me would have come to me " in courſe, and by the Company's orders, without any riſque at all, had " I feigned ſickneſs, or remained an unconcerned ſpectator; but in " truth, I loſt my health, and gained nothing in other reſpects by the " change, except the ſatisfaction of having done my duty; and there- " by, I hope, deterred others from innovating or overturning the eſta- " bliſhed law or conſtitution of Government.

" I know the perſonal reflections of my enemies upon the occaſion; " but as it can never be ſaid that perſonal fear or apprehenſion in- " duced me (under the appearance of going to his, Lord Pigot's, " country-houſe) to have a place in the chaiſe with him, and to make " that an eſſential part of my plan; I obſerve, that as that cannot be " aſſerted with reſpect to me, who had the army under my abſolute " command, and who had actually given my orders to take him by " force from the Fort, or wherever he was, had no opportunity " offered of my going in the chaiſe with him, the unprejudiced Public, " in judging of this act, will, I hope, therefore, do me the juſtice to " infer, that it was from motives of humanity, to prevent bloodſhed " and public diſaſter, and for the perſonal ſafety of Lord Pigot."

I ſhall conclude what relates to this ſubject, by barely mentioning the ſtrong and marked approbation, which the whole of Colonel Stuart's conduct, at that difficult criſis, received from the Governor-general, the Commander in Chief, and Supreme Council in Bengal, to whom a ſuperintending power over all the Company's ſettlements in India, both in matters civil and military, was delegated by the authority of Parliament.

That Supreme Council had the beſt opportunities of being particularly and impartially informed of all the facts, and circumſtances, which gave occaſion to, which preceded and accompanied the arreſt of Lord Pigot, and after receiving the fulleſt information from both parties, and from Lord Pigot himſelf, they gave their complete approbation, not only of the reſolution taken by the Majority of Council at Madras, of aſſerting their rights, and aſſuming the government, but of the mode in which that reſolution had been executed.

The letters of Sir John Clavering, of the 15th, and of Governor Haſtings, of the 18th of September 1776, which were publiſhed when theſe diſputes were recent in this country, prove that, beſides a general approbation in Council, they both gave great credit to Colonel Stuart, for the mode in which the orders of the Majority of Council had been carried into execution, *without bloodſhed, without tumult, and without the violation of one legal form.* Theſe are the words of Governor Haſtings' letter to Mr. Stratton, wherein he expreſſes himſelf in the ſtrongeſt terms, conſidering it as a thing almoſt without example; and in the letter from Sir John Clavering to Colonel Stuart, of the 15th of September, there is not only an approbation of his conduct, but, in terms the moſt flattering, Sir John Clavering gives him applauſe for the *honour* of conducting *ſo difficult and dangerous a buſineſs*, and for the *ſpirit* and *magnanimity* with which he had executed it.

It is well known, that no man could poſſibly poſſeſs a higher ſenſe of honour, as well as of propriety and delicacy of conduct, than the late Sir John Clavering; and when we ſee that ſuch diſtinguiſhed marks of approbation were beſtowed by him upon Colonel Stuart, for the whole of his conduct, it ought at leaſt to go a great way in counteracting the prejudices which have been ſo induſtriouſly ſpread, and to ſatisfy the world, that, in the mode of arreſting Lord Pigot, and of carrying the orders of Council into execution, there had been nothing done that was in any degree improper or unbecoming the character of an officer and a gentleman; becauſe, had it been otherwiſe, the ſtrictneſs of Sir John Clavering's ſentiments, and

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the nice delicacy of his feelings upon every point of honour, would have led him to be more forward than any one in his cenſure and diſapprobation.

To confirm the weight due to the teſtimony of ſo reſpectable and honourable a man as Sir John Clavering, I can prove by letters in my poſſeſſion, that after full information of what had paſſed at Madras, and after knowing the outcry raiſed againſt Colonel Stuart by one party, Sir John Clavering continued his approbation of Colonel Stuart's conduct, and honoured him with the moſt ſincere friendſhip and confidential correſpondence till the lateſt period of his life.

I am ſenſible, Gentlemen, that I require many apologies for taking up ſo much of your time in the diſcuſſion of what relates to the mode of arreſting the perſon of Lord Pigot, and the circumſtances immediately preceding; but I truſt, that I ſhall meet with ſome indulgence, when it is conſidered how violently my Brother's character and conduct have been attacked on this point, and when it is alſo conſidered what ſeverities and hardſhips he has experienced, in conſequence of the imputations againſt him, made at a time when, from the diſtance of place, there was no opportunity of his being heard in his own defence.

All theſe ſeverities I muſt place to the account of the rage and prejudices raiſed againſt him on account of the *mode of arreſt*; becauſe, independent of that, and of the circumſtances immediately preceding it, the propriety of Colonel Stuart's conduct neceſſarily depends upon this very narrow point,—Whether he ought or ought not to have obeyed the order of the Majority of Council; and whichſoever way men might decide that point in their own minds, a mere error in judgment on Colonel Stuart's part, ſuppoſing it to have been an error, could not have produced the rage, prejudice, and obloquy, which have brought upon him ſuch grievous ſeverities and hardſhips.

The puniſhments and hardſhips ſuſtained by Colonel Stuart, in conſequence of the diſturbances at Madras.

Having given ſo full an account of Colonel Stuart's conduct in conſequence of the orders he had received from his Superiors, and having ſhewn the motives as well as the conſequences of that conduct, I hope I may now be permitted to put the queſtion, What crime has Colonel Stuart been guilty of towards you, Gentlemen, his Honourable Employers, or againſt the Intereſts of the Eaſt-India Company?

If the crime is to be judged of from the nature and extent of the puniſhments inflicted, it muſt have been a crime of great magnitude indeed, and ſuch as could not eaſily be atoned for.—A ſhort review, therefore, of the puniſhments and hardſhips he has ſuffered, becomes abſolutely neceſſary, and will clearly evince the truth of this propoſition.

In conſequence of the firſt reports brought to England in the year 1777, of the tranſactions at Madras in Auguſt 1776, Colonel Stuart was ſuſpended the Company's ſervice for ſix months; the general letter which contained this order of ſuſpenſion, was carried out by Mr. Whitehill, who arrived at Madras in Auguſt 1777; the order of ſuſpenſion was immediately intimated to Colonel Stuart, who, by the death of Sir Robert Fetcher, in the month of December preceding, had attained the ſituation of Commander in Chief, and the rank of Brigadier-general in the Company's ſervice; to both of which he ſucceeded in conſequence of an agreement with the Eaſt-India Company before his departure for India.

Immediate obedience was given on the part of Colonel Stuart, to the will and pleaſure of his Honourable Maſters, and he was deprived of the command of the army, which, for many months preceding, he had been making every exertion to improve and to put on the moſt reſpectable footing.

Colonel Stuart was not only thus ſuſpended without any trial, without any ſpecific crime or charge being alleged againſt him in the order for ſuſpenſion, but he was ſuperceded in the command, by the appointment of another officer, Colonel Monro, who was ſent from England on purpoſe to take the command of the army at Madras.

The ſuperceſſion of Colonel Stuart by a younger, though a very deſerving officer in his Majeſty's ſervice, was, according to the military *etiquette*, an additional circumſtance of mortification, eſpecially as the new Commander in Chief, Colonel Monro, obtained at once the rank of Major-general in the Company's ſervice.

This ſuperceſſion was not for a limited time; as General Monro's commiſſion was unconditional and abſolute, without reference to the reſult of any future inquiries or trials in relation to Colonel Stuart's conduct; ſo that he had before him the melancholy proſpect of being *certainly* puniſhed and degraded at all events, whether innocent or guilty: indeed, the only caſe that was at all in contemplation or provided for, was that of his being *guilty and deſerving of puniſhment*; but no ſort of proviſion was made, no care whatſoever was taken of him, in the event, that, upon inquiry or trial, he ſhould be found to have been *innocent*, or to have *acted meritoriouſly* for the intereſts of the Company.

The general letter of the Company, ſent by the Beſborough in July 1777, continued Colonel Stuart's ſuſpenſion, and directed that his conduct ſhould be examined into by a Court of Inquiry, and that he ſhould he tried by a Court-martial; but in caſe he had been guilty of no military offence that was cognizable by Martial Law, then it was ordered that his ſuſpenſion from the ſervice, inſtead of being taken off, as one might reaſonably expect, ſhould be continued indefinitely, and without limitation of time.

Such are the directions which have been ſent from this country with reſpect to Colonel Stuart; and it may be proper before ſtating what

what paſſed at Madras, in conſequence of the lateſt of theſe directions, reſpecting the trial by a Court-martial, to mention ſome of the intermediate hardſhips which he ſuffered in India, by the means of vexatious ſuits, both of a Civil and of a Criminal nature, brought againſt him at Madras, in conſequence of the tranſactions of the month of Auguſt 1776.

Upon the 14th of October 1776, a Bill was filed in the Mayor's Court at Madras, by Lord Pigot againſt Colonel Stuart, for damages, to the amount of 200,000 l., on account of the arreſt of his perſon on the 24th of Auguſt: and his Lordſhip's Attorney having appeared and made affidavit, that he believed Colonel Stuart was about to withdraw himſelf from the juriſdiction of the Court, he therefore prayed that a warrant of arreſt might be iſſued. Colonel Stuart having appeared by his Attorney, the Court, by a majority of five to four, ordered bail to be found to the extent of 15,000 l. which was diſſented from by ſome of the Members as exceſſive.

At the ſame time, in October 1776, a Bill of complaint was filed in the Mayor's Court, by Mr. Ruſſel, againſt Colonel Stuart, for damages, to the amount of 40,000 l., founded on his forcibly carrying Mr. Ruſſel from the Parade to the Conſultation-room, on the 24th of Auguſt, in the manner already related. Mr. Ruſſel's Attorney having made a ſimilar affidavit with Lord Pigot's Attorney, and prayed for a warrant to arreſt Colonel Stuart, the Mayor's Court was pleaſed to order him to find bail in this action likewiſe, to the amount of 4000 l.

As the Mayor's Court was thought to be very partial in theſe proceedings, and that the amount of the bail thus ordered by them was, in the circumſtances of the caſe, judged to be exceſſive, Colonel Stuart was adviſed to carry the cauſe immediately from that Court by appeal to the Governor and Council.

In his reaſons of appeal he gave anſwers to the various articles contained in theſe Bills of complaint againſt him, and maintained that he was in no reſpect reſponſible for the meaſures which, as acting in obedience

obedience to the orders of his ſuperiors, both civil and military, he had carried into execution, that it was therefore highly vexatious and oppreſſive to diſtreſs him by theſe ſuits, or by an order for bail ſo exorbitant and exceſſive, that it was even greater than what the ſame court had obliged the Commander in Chief, Sir Robert Fletcher, to find in a ſimilar action brought by Lord Pigot againſt him, for the like ſum of 200,000 *l.* damages.

Colonel Stuart further averred, that he had no intention of withdrawing himſelf from the juriſdiction of the court; and that, all circumſtances conſidered, ſo far from being ſubjected to *exceſſive bail* in both theſe caſes, he ought not to be put to the hardſhip and inconvenience of finding any bail in either.

With reſpect to Mr. Ruſſel's action, Colonel Stuart gave this additional anſwer, that the ſituation in which he, Mr. Ruſſel, was found, on the evening of the 24th of Auguſt, exciting the troops in the garriſon to mutiny and ſedition, which, if not inſtantly checked, might have been of very fatal conſequences, had put Colonel Stuart under the abſolute neceſſity of forcing Mr. Ruſſel from the main-guard.

The matter was carried firſt from the Mayor's Court by theſe appeals to the Governor and Council, who declined taking any cognizance of it, as they had been parties intereſted in the buſineſs which gave riſe to the actions. Colonel Stuart therefore afterwards appealed to the King and Council in England.

But theſe were not the only actions by which he was vexatiouſly and unneceſſarily haraſſed for obeying the orders of his Superiors. He was one of thoſe againſt whom the proceedings of the Coroner's Inqueſt, aſſembled at Madras upon the death of Lord Pigot, were directed.

That Inqueſt aſſembled at Madras on the 11th of May 1777, the day on which Lord Pigot died, and continued their examinations and deliberations from that time till the 7th of Auguſt 1777; when, in the fervency of their zeal, they were pleaſed to pronounce one of the moſt notable and extraordinary verdicts, that in ſuch or any other circumſtances has appeared in the records of this or of any other country.

Mr. Ram, the Coroner, and his Inqueſt, pronounced and declared, " That *George Stratton*, *Henry Brooke*, *Charles Floyer*, *Archdale* " *Palmer*, *Francis Jourdain*, and *George Mackie*, in the civil ſer- " vice of the Eaſt-India Company at Madras, and *Brigadier-general* " *Sir Robert Fletcher*, *Colonel James Stuart*, *Lieutenant-colonel James* " *Eidingtoun*, Adjutant-general, and *Captain Arthur Lyſaught*, in the " ſaid Company's ſervice at Madras, and *Major Matthew Horne*, com- " manding the corps of artillery in the ſaid Company's ſervice, then " ſtationed at St. Thomas's Mount, did, in manner and by means " therein recited, *felonioufly*, *voluntarily*, *and of their malice fore-* " *thought*, *kill and murder* the ſaid George Lord Pigot; and that a " *ſerjeant and ſepoys* therein deſcribed, and *certain officers and ſoldiers* " *belonging to the corps of artillery*, *and another ſerjeant* and *other ſe-* " *poys* ſtationed at the Garden-houſe, all of whom were to the Jurors " as yet unknown, were at divers times preſent, aiding, abetting, aſ- " ſiſting, and maintaining the ſaid George Stratton, Sir Robert " Fletcher, and the other perſons before named, to do and commit " the felony and murder aforeſaid."

What makes this verdict the more remarkable is, that it was not alleged, nor was there the moſt diſtant ſuſpicion of any ſort in India, that Lord Pigot had died an unnatural death, or that any means had been uſed with a view of occaſioning his death; on the contrary, the phyſicians who attended his Lordſhip during his illneſs, declared upon oath, that *diſeaſe* was the immediate cauſe of Lord Pigot's death, and that the *diſeaſe* was a *putrid bilious fever*, originating in a diſordered liver.

In the courſe of the evidence it alſo came out, that, to all outward appearance, Lord Pigot enjoyed an uninterrupted ſtate of good health, from the day of his arrival at the Mount, after his arreſt on the 24th Auguſt 1776, until the beginning of March 1777, about which time the appearance of his bilious fever firſt began, of which firſt illneſs, with the aſſiſtance of Doctor Paſley, his Lordſhip recovered in a great degree; but not having afterwards taken ſufficient care of himſelf, he had a relapſe, which carried him off on the 11th of May 1777.

Here

Here it is well worth obſerving, that during the whole period of Lord Pigot's illneſs, and at the time of his death, Colonel Stuart was abſent from the Preſidency of Madras, at the diſtance of ſome hundred miles from his Lordſhip; as he went to Tanjore, on the 11th of February 1777, at which time Lord Pigot was known to have been in perfect health, and did not return to Madras until the end of June that year.

Nevertheleſs Mr. Ram, and his Inqueſt, thought proper to pronounce a verdict of *wilful murder*, againſt Colonel Stuart, and the other Gentlemen, founded on artificial and metaphyſical reaſonings (delivered upon oath), from which they wiſhed to eſtabliſh a belief, that the arreſt of Lord Pigot, on the 24th of Auguſt 1776, and the agitation of his mind on that and ſubſequent occaſions, had, by the imperceptible influences of the mind upon the body, generated the diſeaſe of which his Lordſhip died in the month of May 1777.

The whole proceedings of that Inqueſt, and the evidence laid before them, together with Colonel Stuart's defence, drawn up by himſelf, in anſwer to the accuſations brought againſt him, have been lately printed and publiſhed; and I believe I may venture to ſay, that every impartial man of ſound judgment, who reads that publication, will be of opinion, that nothing could be more unjuſtifiable, and reprehenſible, than the conduct of that Coroner and his Inqueſt; the abſurdity of it would deſerve only to be laught at, if ſuch an attempt againſt the lives and reputations of a number of perſons of rank and character could be viewed without abhorrence and indignation.

Vexatious, contemptible, and ill-founded as theſe proceedings were, they had however the unavoidable effect of haraſſing Colonel Stuart exceedingly; they ſuujected him to a degree of public affront and opprobrium, from his being expoſed to the imputation of *wilful murder*, by the verdict of twelve men upon oath, ſix of whom however, at one time, voted that it was only *manſlaughter*, while the other ſix declared it *murder*; upon which the Coroner was pleaſed to remark, That *the matter muſt be re-conſidered*, and he afterwards prevailed on a Majority of them to agree in opinion that it was wilful murder.

This verdict was, upon the 24th September 1777, ſent by the Coroner to the Governor and Council of Madras, with a requeſt from the Coroner, to be aſſiſted in apprehending the perſons therein accuſed; upon which the Governor thought it regular for him at that time to ſign a warrant of commitment againſt Colonel Stuart, and the other perſons accuſed, directed to the Sheriff of Madras.

Colonel Stuart and the other Gentlemen were accordingly in the cuſtody of the Sheriff until ſome time in October following, when the Juſtices, after having examined Sir Edward Hughes and ſome other reſpectable witneſſes, judged it proper to admit the priſoners to bail, in the ſum of 10,000 l. each.

The proceedings and the examinations before the Juſtices were continued until the end of November 1777, when the Juſtices received from Bengal the opinions of the Judges of the Supreme Court of Judicature there, by which theſe Judges, upon conſideration of the facts, and of the proofs ſtated in Mr. Ram's inquiſition, declared their unanimous opinion, that there were not materials ſufficient for an indictment either of *murder* or *manſlaughter*, and they alſo, from other defects and irregularities in that inquiſition, gave their opinion, that it might be quaſhed or ſet aſide.

In conformity with this opinion received from the Judges of the Supreme Court of Judicature in Bengal, the Juſtices at Madras, upon the 26th of November 1777, declared, " That the ſaid proceedings were " irregular, and contrary to law. And reſolved, that the whole be " quaſhed and ſet aſide, and that the perſons accuſed be diſcharged " by proclamation."

Thus ended the malevolent and irregular proceedings of the Coroner's Inqueſt; from the ſhort ſtate of which it muſt appear, that Colonel Stuart, was for many months (during which time too he was in a bad ſtate of health from the conſequences of a bilious fever), very unjuſtifiably haraſſed by the charge brought and verdict given againſt him, and by having his name and character expoſed as guilty of ſo heinous a crime.

Amidſt

Amidſt all theſe diſtreſſes, however, one conſolation ſtill remained, Colonel Stuart comforted himſelf with the proſpect that he ſhould ſoon have an opportunity of vindicating his character and conduct in the courſe of a *regular trial*; when not only the orders under which he acted, but when likewiſe all the facts and circumſtances would be aſcertained by unqueſtionable evidence, and then he flattered himſelf, that the prejudices which had been raiſed againſt him would take an oppoſite direction, and that he ſhould meet with the redreſs due to an injured officer.

In this expectation, of a ſpeedy trial, and conſequent redreſs, he has alſo been diſappointed; for the orders which were carried out by the Beſborough for his trial by a Court-martial have not hitherto produced any effect. That trial, which he ſo ardently wiſhed for the vindication of his honour and character, has been denied him, by the Commander in Chief, and by the Preſident and Council of Madras; at the ſame time his ſuſpenſion has been continued, and he remains in that country waiting with impatience the return of the diſpatches ſent from Madras in the month of March laſt.

It is not my intention to impute blame either to the Commander in Chief or to the Preſident and Council of Madras, for the part they took in refuſing to Colonel Stuart his trial by a Court-martial; they have acted, no doubt, upon grounds which afforded conviction to their minds, and it is well worth obſerving that this refuſal was founded on opinions which were very far from containing any thing unfavourable to Colonel Stuart's conduct, but the very reverſe, for as far as they go they may be conſidered as preſumptive proofs of his innocence, at leaſt of his having committed no offence that was cognizable by martial law.

Their General Letter to the Court of Directors, dated the 14th of March laſt, ſhews how anxiouſly Colonel Stuart courted the opportunity of vindicating his conduct by a public trial. Paragraph 14th of that letter is in theſe words:

" General Stuart, as ſoon as he was furniſhed with a copy of " your Orders, and before we came to any reſolution concerning

" him, addreſſed three letters to us, all of them preſſing upon " us, in the moſt anxious manner, his deſire to be tried by a Court- " martial; and fearing leſt any doubts or difficulties ſhould occur to " us on the ſubject, he introduced ſeveral arguments to ſhew his right " to demand a Court-martial, and pointed out different articles in the " Articles of War by which he thought he might be tried. Although " his letters did not contain any reaſons of ſufficient ſtrength to in- " duce us to alter our opinions upon his caſe, yet the uneaſineſs of " mind expreſſed in them was ſuch, that we felt much concern for " the peculiar circumſtances of his ſituation."

The reaſons which induced the Preſident and Council and Commander in Chief at Madras to refuſe the trial by a Court-martial appear to have been founded upon prudential grounds, and upon a doubt whether a Court-martial were competent to decide upon a caſe which involved queſtions of nice diſcuſſion relative to the Company's conſtitutional government. This is expreſſed very clearly in the 10th paragraph of their General Letter above mentioned, which is in theſe words:

" The acts of arreſting and impriſoning the perſon of the late Lord " Pigot were ſufficiently clear; your diſapprobation of thoſe acts is " ſtrongly expreſſed in your late orders; but that diſapprobation does " not make them offenſive in the eye of martial law, and no charge " could be grounded upon it. In order to determine whether General " Stuart's conduct be criminal in that view, and before any charge " could be prepared, it became requiſite to conſider the nature of the " orders and authority under which he acted, with other particular " circumſtances attending the arreſt of Lord Pigot. The Company's " records, and General Stuart's own Narrative of the tranſaction, clear- " ly ſhew, that his Lordſhip was arreſted by an order under the ſig- " nature of George Stratton Eſquire, Sir Robert Fletcher, Henry " Brooke, Charles Floyer, Archdale Palmer, Francis Jourdain, and " George Mackie, Eſquires; which order General Stuart in the Narra- " tive declares he conſidered as legal, and the Gentlemen who iſſued " it the legal Repreſentatives of the Company. *General Stuart appears*

" *to have done nothing in this tranſaction independent of that authority* " *which gave him the order.* If that authority were clearly illegal, " or the order illegal, the arreſt and impriſonment of Lord Pigot by " military force, may be deemed an act of mutiny, and the perſons con- " cerned liable to be tried by an expreſs article of war; but we own to " you, theſe queſtions appear to us to be of ſo nice and important a nature, " that we did not think ourſelves competent to form a judgment upon " them, with that preciſion which was neceſſary to conſtitute and " maintain a charge againſt an officer for a crime deemed capital by " Martial Law. It is true, indeed, that in the firſt paragraph of " your Letter, dated the 11th of June laſt, you were pleaſed to ex- " preſs yourſelves in very ſtrong terms of the arreſt and impriſonment " of the late Lord Pigot; calling it " a total ſubverſion of your legal " government." Yet, when we conſider the doubts expreſſed in the " 53d paragraph of your Letter of the 4th of July, we could not but " be of opinion, that they muſt in ſome degree have ariſen from doubts " concerning the legal authority and orders by which the arreſt was " executed; and under the influence of this opinion, we thought it " would not only be preſumptuous but imprudent, and even danger- " ous, for us, upon the authority of our own judgment, to found a " crime which might touch the life, character, or fortune of any " man; and that even if we had gone ſo far as to have prepared a " charge, and delivered it to a Court-martial, it might admit of great " doubt, whether a Court of that nature were competent to decide " upon a caſe, which involved queſtions relative to the Company's " conſtitutional government, ſo nice and intricate as thoſe which have " been before mentioned."

I cannot help obſerving here, that the whole tenor of the above paragraph indicates the opinion of the Governor and Council of Madras to be, that Colonel Stuart's innocence or guilt depends totally on the *legality* or *illegality* of the orders he received; an opinion which I cannot entirely acquieſce in,—but which nevertheleſs makes it ſufficiently evident that, when upon the ſpot, they did not ſee his conduct, as to the

" *mode*

mode of the arreſt and the circumſtances preceding it, in the light they have been repreſented in this country; for they ſay expreſsly, that Colonel Stuart *appears to have done nothing in this tranſaction independent of that authority which gave him the orders*; they doubtleſs would have expreſſed themſelves in another manner, if they had found any miſconduct in the execution.

The correſpondence and papers which paſſed upon this occaſion between the Governor and Council of Madras and Colonel Stuart, in the months of February and March laſt, have, as I underſtand, been all ſent home to you; I ſhall therefore beg leave to refer to them as containing his reaſons, ſtated at great length, why he thought that, notwithſtanding the difficulties pointed out by the Governor and Council, and by General Monro the Commander in Chief, ſtill he was entitled to expect, and even had a right to demand, that, in the peculiar circumſtances of his caſe, the door of trial by a Court-martial ſhould be thrown open to him, and every poſſible indulgence granted for facilitatingto him the means of redreſs.

At the time when Colonel Stuart gave in to the Board at Madras, the papers wherein he ſo earneſtly contended for his trial, he was ignorant of one additional misfortune, of a very ſerious nature, brought upon him in conſequence of the order from the Directors of the Honourable Company appointing him to be tried by a Court-martial; had he known it, that conſequential misfortune would have added greatly to the weight of thoſe which preceded, and if poſſible have increaſed the zeal of his remonſtrances upon the hardſhip of refuſing or delaying that trial.

The diſappointment which Colonel Stuart, in the courſe of laſt year, met with, in relation to his preferment in his Majeſty's ſervice, is what I allude to.

Subſequent to the orders for a Court-martial, which you were pleaſed to ſend out to Madras by the Beſborough, in July 1777, a very extenſive

tenſive promotion of officers in his Majeſty's ſervice took place in the month of September of that year; by which a great number of Lieutenant-colonels attained the rank of Colonel in the King's ſervice.

Colonel Stuart, who had been a Lieutenant-colonel in his Majeſty's ſervice ſince the year 1762, was very near the head of the liſt of thoſe Lieutenant-colonels who were to acquire rank from this promotion; but it is a rule with his Majeſty's ſervants in that department, that an officer under orders for trial by a Court-martial is not to be promoted till the event of ſuch trial is known. It was thought therefore that Colonel Stuart could not, with propriety, be included in the general promotion which at that time took place, until the iſſue of that trial, ordered by the Directors, was known: the conſequence was, that he was paſſed over in that promotion, and thirty-two Lieutenant-colonels, younger in the ſervice than Colonel Stuart, obtained the rank of Colonel, notwithſtanding that Colonel Stuart's merit and ſervices were univerſally allowed to entitle him to that preferment.

Thus, by a complication of peculiar hard fate and misfortunes, the obedience which Colonel Stuart had given in the month of Auguſt 1776, to the orders of his Superiors both civil and military, produced—firſt his ſuſpenſion from the Honourable Company's ſervice for ſix months,—then his ſuperceſſion in the command of the army in the Carnatic,—then an order for his trial by a Court-martial,—which order produced the meaſure of denying to him the rank of Colonel in the King's ſervice, at a time of general promotion;—and laſtly, he meets with a refuſal of that trial, which if it had taken place, Colonel Stuart is confident, would have remedied not only this hardſhip in the King's ſervice, but likewiſe the other evils of which he has ſo much reaſon to complain.

That you may perceive, Gentlemen, that there is nothing exaggerated in the account I have here given of the ſevere diſappointment my Brother and his friends met with at the time of the general promotion of Officers in his Majeſty's ſervice laſt year; and that this diſappointment was occaſioned by the order you had given for his trial by a

Court-martial, I beg leave to annex the whole of the correſpondence on this ſubject, which paſſed between Lord Barrington, the Secretary at War, and me, in the months of September and October 1777.

In that correſpondence you will obſerve, that it is not on account of any opinion, formed by his Majeſty's ſervants of Colonel Stuart's having acted improperly in India, that he was paſſed over in the King's ſervice; but that it was occaſioned from *etiquette*, by the *orders for his trial*, and which was to be afterwards remedied, if the reſult of the trial ſhould be in his favour. The expreſſions in Lord Barrington's letter to me of the 3d of September 1777, are, "That full "and perfect juſtice will be done to him (Colonel Stuart) hereafter, if "his conduct in India reſembles the reſt of his conduct through life."

His Lordſhip was afterwards pleaſed to explain the matter further, and to mention to me various inſtances, where officers of good reputation, who were liable to be tried by a Court-martial, at a time when a general promotion took place, which they would otherwiſe have been entitled to the benefit of, were denied that promotion until the deciſion of the Court-martial, after which their rank was allowed to them in the ſame manner as if they had not been paſſed over.

Although I was fully perſuaded that it was no part of the wiſh or intention of the Eaſt-India Company, that the hardſhips which they had inflicted, ſhould be productive of any additional evil to Colonel Stuart, in any other line than their own ſervice; yet I have hitherto abſtained from giving you any trouble or repreſentations about theſe conſequential unintended hardſhips; nor ſhould I have mentioned them at this time, or preſumed to give you the trouble of reading the correſpondence between the Secretary at War and me upon this ſubject, if it had not now become unavoidably neceſſary, for two reaſons.

One is, that I find falſe reports have been ſpread about the manner and occaſion of my Brother's being paſſed over in the promotion of laſt year in his Majeſty's ſervice; it has been ſtated as a proof of his guilt,

and

and the turn given to it in many quarters is, that his Majeſty's ſervants, upon being fully appriſed of all the circumſtances of Colonel Stuart's conduct in the diſturbances at Madras, had formed ſuch a decided opinion, that his preferment in the King's ſervice was now abſolutely and unconditionally ſtopped.

The other reaſon is, that you, Gentlemen, from the peruſal of that correſpondence with the Secretary at War, may not only be informed of the true ſtate of the caſe, but likewiſe may perceive the great ſupervenient hardſhips which he has ſuffered, though not intentionally, by the late refuſal or delay of his trial by a Court-martial.

The motives and objects of the preſent application.

It is not with a view to find fault, nor in the ſpirit of complaint or ill-humour, that I have taken up ſo much of your time in ſtating the various hardſhips that have been heaped upon my Brother in conſequence of the unfortunate diſturbances at Madras, but merely that the nature of his conduct and the extent of his ſufferings, ſhould be brought under your conſideration, more preciſely, and with leſs mixture of foreign matter than they have ever hitherto been.

So far am I from ſtating his caſe merely with a view of imputing blame, that I am ready fairly to acknowledge, that when the accounts firſt came to this country of the diſturbances at Madras, with all the circumſtances *ſaid* to have attended it; and when it was not foreſeen to how much greater length theſe convulſions might proceed, and what the conſequences might be to the peace and ſecurity of the Settlement; I ſay, upon that occaſion, it was extremely natural, not only to feel a degree of prejudice and diſpleaſure at what had happened, but to be alarmed for the future conſequences, and to endeavour to avert them, by marking a diſapprobation of the ſeemingly violent and improper conduct of all the actors in the late diſturbances.

It was a difficult taſk for you, Gentlemen, amidſt the rage and animoſity which actuated the minds and influenced the repreſentations of the oppoſite parties, to diſcriminate the guilty from the innocent, or to aſcertain the different degrees of offence which had been committed by your ſervants in that Settlement; neither was it poſſible for you to pronounce any judgment, or to purſue any general meaſure, that would be ſatisfactory to all parties.

Perhaps, indeed, the ſteps you did purſue on that difficult occaſion were, upon the whole, as little exceptionable, and had as many probable appearances of being well calculated for eſtabliſhing peace in your Settlement, and to prevent the growth of further evils, as any that could have been deviſed in the circumſtances in which you were placed; and there is this ſtrong preſumption in favour of the wiſdom and impartiality of your meaſures, that countenancing the extremes of neither party, they were in ſome degree unacceptable to both.

But give me leave, Gentlemen, to obſerve, that the very ſame conduct, which, with a view and upon a plan of prevention, may properly be adopted at a particular criſis of public confuſion, and while there is yet an uncertainty to what iſſue that confuſion is to lead, may and ought to be very different from thoſe meaſures which ſhould be taken with regard to offences already paſt, and where the whole extent of the miſchief has been already aſcertained; when the latter is the caſe, there is room for taking into conſideration the exact meaſure and proportion of each man's offence or merit, and it is a matter of juſtice to give redreſs to thoſe, who, though unavoidably involved in the general hardſhips incident to individuals upon public diſturbances, ſhall be found, either to have ſuffered far beyond the magnitude of their offences, to have been innocent, or perhaps highly meritorious.

It is to this conſideration, Gentlemen, that, with your permiſſion, I wiſh to conduct your attention; for the Madras diſturbances are now and have been long at an end, the period is arrived, which not only admits but loudly calls for, the diſcrimination of every man's conduct,

duct, and for proportioning the puniſhment or redreſs that is due to him.

During many months after the arrival of the firſt accounts of the Madras diſturbances, which reached England in the month of March 1777, there was an extenſive field opened for men of warm imaginations to alarm themſelves and the Public, by painting ſcenes of horror, anarchy, and confuſion, which were to be the infallible conſequences of the ſteps taken by the Majority of Council, and by Colonel Stuart, in the month of Auguſt 1776.

We muſt all remember the diſmal predictions which were made in the General Courts of Proprietors, and circulated in the Public at large, with a degree of confidence little ſhort of certainty.

The prophets and orators of thoſe times affected to dread the arrival of any ſhip, or other means of intelligence, from India, becauſe they ſeemed perſuaded, that we ſhould ſoon have the melancholy accounts of many lives loſt, and of complete anarchy and confuſion from one end of the Carnatic to the other.

The Princes or Powers of that part of India, either with or without the aſſiſtance of the French, were to take advantage of thoſe confuſions, and to ſubdue or expel us from the country; the Nabob of Arcot, at leaſt, after getting rid of Lord Pigot, his moſt formidable oppoſer, and the controller of his views, would undoubtedly eſtabliſh his own power and independency upon the overthrow of the Britiſh dominion in the Carnatic; and there could be no danger of the Nabob's being thwarted in his attempts by thoſe corrupted and ſeditious counſellors, whom he had inſtigated to ſuch violent proceedings againſt Lord Pigot, and who were totally at the devotion of this Mahommedan Prince.

Above all, it was perfectly clear, according to thoſe predictions, that Colonel Stuart, who had taken ſo active a part in the arreſt of Lord Pigot, by military force, and who had the army totally at his devotion, would find out a better intereſt to cultivate, than that

of his Honourable Employers, the Eaſt India Company; and that he meant *to ſet up for himſelf* in that part of the world, and would either laugh at any orders that ſhould be ſent from the India-Houſe, to deprive him of his power, or would oppoſe force by force.

Such were the gloomy predictions, and it was in vain to argue againſt them in whole or in part;—— but the period has long been cloſed within which theſe prophecies were to have been fulfilled, and what has *really* happened within that period, is ſo totally unlike every thing which diſturbed the imaginations of ſome too credulous Proprietors, that it will hardly be believed that ſuch unfaithful pictures could ever have been drawn of Colonel Stuart, and of the events which were to be produced by his conduct.

Inſtead of confuſion and civil war, there never was a more ſettled ſtate of quiet and tranquillity.—Inſtead of reſiſtance on the part of Colonel Stuart, and *ſetting up for himſelf*, there has been the moſt uniform and implicit obedience to the orders of his ſuperiors.

When Mr. Whitehill arrived at Madras, in the month of Auguſt 1777, with the new commiſſion of government, and with your directions, by which Mr. Stratton and the other Gentlemen of Council were called home, and by which Colonel Stuart, the Commander in Chief of the army, was ſuſpended and ſuperceded; he was the firſt perſon who accompanied Mr. Whitehill to the parade, was preſent at reading the new commiſſion of government, and of the order for his own ſuſpenſion.

Upon that occaſion, he openly and immediately declared his reſolution to obey the orders of his Honourable Maſters, however hard they might be on himſelf, and declared that he wiſhed, and did not doubt, that every other perſon affected by theſe orders, would be in the ſame diſpoſition.

On this ſubject there is the following paragraph of a letter from Mr. Whitehill the Governor, and the Council at Madras, to the Supreme Council at Bengal, extracted from the Minutes of Conſultation of the 31ſt of Auguſt 1777.

" They think it alſo neceſſary to obſerve, with reſpect to Bri-
" gadier-general Stuart, whoſe ſituation in the late tranſactions *was*
" *peculiar*, that he ſhewed the ſame implicit obedience on his part to
" the authority of the Company, attended on the parade at the reading
" of the Company's commiſſion of government to the troops, and was
" ſtudious, by his whole conduct, to ſhew to the officers and ſoldiers,
" the proper ſenſe which he entertained of the Company's orders."

Upon a ſubſequent occaſion, in September 1777, when Mr. Ram, the Coroner at Madras, in conſequence of his extraordinary verdict already mentioned, applied to the Governor and Council to be aſſiſted in apprehending Colonel Stuart, and the other perſons who had by that unjuſtifiable verdict been accuſed of the wilful murder of Lord Pigot; Colonel Stuart, Mr. Stratton, and the other perſons accuſed, voluntarily delivered themſelves up to the cuſtody of the Sheriffs, and declared they were willing and deſirous to undergo every ſort of trial that the laws of their country could authorize.

Another inſtance of the ſame ſpirit of good order and obedience on the part of Colonel Stuart, and the other Gentlemen who concurred with him, appeared in the month of January in this preſent year, and is ſet forth in three letters which paſſed between them and the Governor and Council, which are printed at the cloſe of the Collection of Authentic Papers lately publiſhed, relating to the proceedings of the Coroner's Inqueſt. As they are too long to be inſerted here, I ſhall only beg leave, in confirmation of what has been mentioned, to inſert a part of the letters to you from the Governor and Council of Madras, received by the Houghton in Auguſt laſt; it is in theſe words:

" It is a juſtice, however, that we particularly owe to the Members
" of the late government, to obſerve to your Honours, *that their lead-*
" *ing example in ſhewing the moſt implicit ſubmiſſion to your orders*
" *for eſtabliſhing your new adminiſtration, has been of the greateſt uſe*
" *in reſtoring that harmony and good underſtanding we have juſt ſpoken of.*

" But

" But beſides the general tenor of their behaviour as individuals, " of which we have been eye-witneſſes, we beg leave to refer you to " the letter ſigned by General Stuart, Meſſrs. Mackay, Palmer, and " Floyer, and to the anſwer which we thought proper to make to theſe " Gentlemen; who, for the peace of the ſettlement, and with a view " to the welfare of your affairs, have agreed to wave the agitation of " queſtions at this time, which muſt neceſſarily have taken our atten- " tion from the immediate buſineſs of your government."

Such has been the conduct of Colonel Stuart, regulated by the moſt ſincere attachment to good order, and to the proſperity of your affairs, and proved by the moſt unqueſtionable evidence. As it has been ſo fully laid before you, it would be needleſs, and therefore impertinent to make the obvious inferences, by pointing out, and obſerving upon the many falſe and injurious repreſentations, which have been circulated to Colonel Stuart's prejudice.

The redreſs due to Colonel Stuart, and the modes by which it may be accompliſhed.

Now that the ſcene is cloſed with reſpect to the courſe of events at Madras, connected with, or following the diſturbances of the month of Auguſt 1776, when you are ſatisfied, that none of the many predicted miſchiefs have happened; on the contrary, that without confuſion of any ſort, both the temporary government of Mr. Whitehill and his Council, and the completely eſtabliſhed government of Mr. Rumbold, and the Council which now manages your affairs at Madras, have taken place, and with the moſt complete ſubmiſſion and obedience to your orders on the part of Colonel Stuart; may I not be permitted, with a degree of confidence, to maintain, that this is the proper time to take into conſideration, all the particulars of his caſe, ſo very peculiarly circumſtanced.

If

If it ſhall now appear to you, that Colonel Stuart has either not been guilty of any offence, or rather, if it ſhall appear, as I flatter myſelf it muſt, upon a diſpaſſionate review of his conduct, that the perſon expoſed to ſuch a variety of hardſhips, inſtead of meriting them, has rendered material ſervices to the Honourable Company; I truſt, Gentlemen, that in theſe events, you will direct the remedies and redreſs beſt ſuited to the circumſtances of the caſe.

After having given you the trouble of reading ſo much on the ſubject of Colonel Stuart's conduct, and entertaining more than a hope, that the true ſtate of his caſe has by this time made ſome impreſſion on your minds, it may reaſonably be expected from me to point out, which I ſhall do with great ſubmiſſion, the objects I have in view by this application.

Upon this principle, therefore, I ſhall take the liberty of ſuggeſting to your conſideration, the general nature of the redreſs to which Colonel Stuart, or his friends, may think him entitled; and the modes in which, if it ſhould meet with your approbation, that redreſs may, without difficulty, be accompliſhed.

For this purpoſe, it ſeems neceſſary, that one or other of the two following meaſures ſhould be adopted.

The *firſt* is by perſevering in the plan which had already occurred to you, and to which Colonel Stuart moſt cordially agreed, that of having every circumſtance of his conduct tried by a Court-martial, on the ſpot where the tranſactions happened; but then it is extremely material, in the event of your renewing your order for this trial by a Court-martial, that the order be made peremptory and abſolute, without any diſcretion left in India, to refuſe that Court-martial; for it is of the utmoſt importance, to avoid the ſame uncertainty and hurtful delays which have already happened to Colonel Stuart in conſequence of the firſt order, ſuch delays being of themſelves, and eſpecially when attended with ſuſpenſion, to any perſon in his ſituation, a ſtrong degree of puniſhment.

As the principal difficulty which prevented the Governor and Council at Madras from granting the Court-martial was, that no ſuch trial could be proceeded to with any effect, until it ſhould be previouſly declared, whether the *legal government* had been veſted in a Majority of Council; therefore, it ſeems eſſentially neceſſary, if there can ſtill be found thoſe who think that point not already ſufficiently clear, that when the orders are ſent out for Colonel Stuart's trial by a Court-martial, your ſentiments with regard to this point, reſpecting the legal government, ſhould accompany the direction for a trial.

If this mode of taking Colonel Stuart's caſe into conſideration is adopted, which I beg leave to obſerve would of all others be the moſt acceptable to him, I ſubmit to your conſideration, whether, at the ſame time that you ſend out the orders for his trial by a Court-martial, there ſhould not be directions ſent to fix and aſcertain the particular redreſs he is to receive, in the event of his being honourably acquitted; for what is extremely remarkable, there has never hitherto been any proviſion made for the caſe even of his innocence, and much leſs for the ſuppoſition of his merit;—the only thing in contemplation has been the caſe of guilt, and it becomes the more neceſſary that ſuch inſtructions ſhould accompany the order for trial, on account of the immenſe diſtance of place, and conſequently the material and inevitable loſs of time, if Colonel Stuart ſhall again be obliged to wait the returns from this country to India, before he receives any beneficial effects from his innocence, ſhould the determination of the Court-martial be in his favour.

The *ſecond mode* of doing juſtice to Colonel Stuart, is by your being pleaſed to enter upon the examination of his caſe, and to decide upon it from the ample facts now in your poſſeſſion, without the intervention of any other Court of Enquiry, or of a Court-martial.

Any propoſition of this kind, at the time when you ſent out your former orders, either thoſe by Mr. Whitehill, in the month of June, or the ſubſequent orders by Mr. Rumbold, in the month of July,

1777,

1777, I admit, would have been improper; becauſe, at theſe periods, the knowledge of facts was not ſufficiently attained, nor could you then conjecture what conſequential miſchiefs had ariſen, or might ariſe in the interval between the time of arreſting Lord Pigot in Auguſt 1776, and the time at which the new government ſhould be eſtabliſhed by the orders then ſent out; neither could you know, and much leſs judge, what Colonel Stuart's conduct had been, or might be, in that interval.

But now that all theſe things are paſt, that they are become hiſtorical facts, not matters of ſpeculation, it has occurred to many impartial and judicious perſons, that it would be highly proper if you, Gentlemen, would now enter into the conſideration of this matter, and that the circumſtances of Colonel Stuart's caſe, as well as the ſituation of affairs in India, do in reality make it requiſite and ſuitable, that you ſhould, from the full materials in your poſſeſſion, take it upon yourſelves at this time, to decide upon his conduct.

In the general letter from your Governor and Council at Madras, dated 14th of March, 1778, brought home by the Duke of Kingſton, paragraph 6th, they tell you, " that the queſtions involved in " General Stuart's caſe, were ſuch as no authority *in that country* could " properly decide." In the 9th paragraph of the ſame letter, where they ſtate the inutility of a Court of Enquiry, for aſcertaining facts upon evidence, they give the following reaſon for being of that opinion, " Becauſe in regard to facts, we apprehended that the records of the " Company were *already ſufficiently explicit* for all the purpoſes re- " quired; every part of General Stuart's conduct is there ſet forth by " his own acknowledgment, or the teſtimony of others, and that ap- " parently in the fulleſt and moſt circumſtantial manner."

In paragraph 10th, of the ſame letter, after mentioning that Lord Pigot was arreſted by an order under the ſignature of George Stratton, Eſq; Sir Robert Fletcher, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdain, and George Mackay, Eſqrs. they tell you

expreſsly, " *that General Stuart appears to have done nothing in this* " *tranſaction, independent of that authority which gave him the or-* " *der;*"—and in the courſe of the ſame paragraph, they clearly expreſs to you their opinion, that the merits of General Stuart's caſe muſt turn upon the *legality* or *illegality* of the orders and authority under which he acted; and that this being a queſtion of ſo nice and important a nature, they did not think themſelves competent to form a judgment upon it.

Are not all theſe very ſtrong and powerful reaſons for you, Gentlemen, in the direction of the Eaſt-India Company's affairs, to relieve the Government and Council at Madras from the difficulties which have prevented their acting in this buſineſs, and to take upon yourſelves the immediate deciſion of it?

It appears from the opinion of the Governor and Council at Madras, and from the circumſtances of the caſe itſelf, that it needs not be a matter of long diſcuſſion, nor attended with much difficulty to decide *what relates to Colonel Stuart* in this buſineſs.

If it be true, as ſtated in the letter from the Governor and Council at Madras, that he did nothing independent of the authority under which he acted, then Colonel Stuart muſt unqueſtionably be free from blame for his obedience to theſe orders, provided you ſhall be of opinion, that the powers of Government were in the *Majority of Council*, who iſſued them.

But even though you ſhould be of opinion that the legal Government was veſted in the Majority of Council, I beg leave to obſerve it might ſtill remain a *ſeparate* and very *different queſtion*, Whether that Majority acted *properly* or *improperly*, *wiſely* or *impoliticly*, in iſſuing to Colonel Stuart an order for putting them in poſſeſſion of the Fort-houſe, garriſon and fortreſs of Fort St. George, and for arreſting Lord Pigot?

But this is a queſtion with which Colonel Stuart, who was no Member of Council, who iſſued no order, but obeyed only the orders

which others had iſſued, can have no earthly concern; the reſponſibility for that meaſure reſting totally with the *Majority of Council* and the *Commander in Chief.*

It is, therefore, by no means, as has been generally and erroneouſly ſuppoſed, a *common cauſe* between Colonel Stuart and the Majority of Council; their caſes ſtand upon a different footing, and may be decided upon a different principle.

This diſtinction betwixt his caſe and that of the Majority, ſeems to have occurred to the Governor and Council at Madras, who, in their letter to the Supreme Council in Bengal in Auguſt 1777, expreſs themſelves thus: "We think it neceſſary to obſerve with reſpect to "Brigadier-general Stuart, whoſe ſituation in the late tranſactions *was* "*peculiar*," &c.

In the proceedings at Madras, Colonel Stuart himſelf has very carefully ſeparated it; nor will your deciding upon *his caſe*, by itſelf, imply your approbation of the *policy* and *diſcretion* of the Majority of Council who iſſued thoſe orders under which Colonel Stuart acted.

Permit me now, Gentlemen, to take the liberty of reminding you that, beſides the more ancient and unrepealed orders and inſtructions for regulating the conſtitution in your Settlement at Madras, you have yourſelves ſent out by Mr. Whitehill, in June 1777, freſh orders and inſtructions on this ſubject, expreſs and unambiguous; by which you have not heſitated to declare, that the legal Government of Madras is veſted in the *Majority of Council*,—as the Majority of Council who iſſued the orders to Colonel Stuart, contended it was.

Before therefore it can be your opinion, that any man acting in obedience to the orders of the *Majority of Council* acted illegally, you, Gentlemen, muſt determine that the Government of Madras in its principles, and conſtruction, was different in the year 1776, when Colonel Stuart acted, from what you have *ſince* decided it to be in the year 1777.

But ſhould there be any reaſons for your wiſhing to avoid, or to delay giving an expreſs opinion upon a point on which it ſeems already to be ſo ſtrongly implied, there ſtill remains a diſtinct and ſufficient ground for proceeding to final determinations in Colonel Stuart's caſe, from the circumſtances which are peculiar to it, and which are not connected or involved with the caſe of the Majority of Council.

Becauſe, ſuppoſing the pretenſions of the Majority of Council to the powers of government not to amount to a clear and indiſputable right, ſtill on the loweſt eſtimation of theſe pretenſions it muſt be admitted, that it was at leaſt a doubtful point, whether the *legal government* belonged to the Majority, or to the Preſident and Minority of Council at Madras; for certainly no perſon acquainted with the nature of the conſtitution at Madras, or with the ſtate of opinions upon this point in your ſettlement there, will pretend to ſay, that it was a clear and indiſputable point, that the Majority of Council was *not* the legal government.

Taking it then as a doubtful point only, whether Colonel Stuart was bound to obey the orders of Lord Pigot and the Minority of Council, or thoſe of the Majority; ſurely it could not with juſtice be maintained, that he was culpable, becauſe he obeyed the authority of the latter, in preference to that of the former, eſpecially as there was this additional reaſon for his doing ſo, that his Commander in Chief, Sir Robert Fletcher, was one of the perſons who ſigned the order which Colonel Stuart obeyed.

If it could be ſuppoſed that the weight of the civil authority was ſo equally poized as to produce doubts on which ſide it preponderated, can it be matter either of wonder or of blame, that a military man, formed by his education to obey rather than to inveſtigate, ſhould allow on ſo even a balance, and in a diſcuſſion of ſo much nicety, the concurring commands of his ſuperior officer to turn the ſcale?

If in this particular point Colonel Stuart ſtood in need of further juſtification, it ought to be of no ſmall weight that the Supreme

Council

Council in Bengal unanimouſly declared the *legal government* at Madras to be veſted in the Majority of Council.—The queſtion therefore may, without impropriety, be put by Colonel Stuart, At what period could he poſſibly ſuppoſe that the Majority of Council was *not* the the legal government? That it was ſo in the year 1776, before, and ſubſequent to the diſturbances, is clearly declared by the Supreme Council in Bengal, uncontradicted by any declaration or opinion on your part; and that it was ſo in the year 1777, is as clearly declared by the poſitive inſtructions which the Eaſt India Company ſent out by Mr. Whitehill.

Neither can I prevail upon myſelf, even circumſtanced as I am, to throw out of this queſtion, the opinion and aſſertions of Colonel Stuart himſelf, which have been uniform and ſtrong, that the *legal government* which he was bound to obey, was according to his private judgment veſted in the *Majority of Council*, the ſincerity of which opinion I ſhall endeavour to prove from his conduct, and by examining whether there was any object of intereſt in proſpect, or attained by him, by means of the part he took in the convulſions at Madras in Auguſt 1776.

Colonel Stuart went out to Madras, ſecond in command, and with the command in chief aſſured to him, and the rank of Brigadier-general, upon the death, removal, or reſignation of Sir Robert Fletcher, who, at the time of theſe diſturbances, in Auguſt 1776, was in ſo bad a ſtate of health, as to be thought paſt recovery; and he died ſoon afterwards, in December 1776.

The only thing, therefore, that was likely to prevent Colonel Stuart's attaining the Command in Chief, the firſt wiſh of a military man, and the very object for which he entered into the ſervice of the Eaſt India Company, was any diſturbance or confuſion in the government at Madras, that might in its conſequences defeat the effect of the appointment which he carried out with him to India.

It was eaſy to foreſee, that the diviſion of the Council into two oppoſite parties, each of which, pretending to be the legal government, would

would of courſe require an implicit obedience from Colonel Stuart, was the thing in the world moſt likely to produce ſuch confuſion, and an unfortunate alternative for him perſonally, which might prove fatal to his expectations.—It was a *criſis*, which, inſtead of promoting, every man of any degree of underſtanding, or even of ambition, both of which Colonel Stuart's enemies are ſo obliging as to allow him, would, in his ſituation, have been at the utmoſt pains to avert.

Upon the ſame day, the 23d of Auguſt, each party made an offer to Colonel Stuart of the command of the army; there was however this material difference, that the command offered to him by the Majority of Council, the party which he obeyed, was only the *temporary command* during the indiſpoſition of Sir Robert Fletcher; whereas the offer by Lord Pigot and his friends, who had put Sir Robert Fletcher under arreſt, with a view to his being tried by Court-martial for mutiny and ſedition, was the complete and immediate command of the army, without any limitation of time.

It is evident, therefore, that the part which Colonel Stuart acted in this diſagreeable alternative, was that which, according to all the rules of ſelf-intereſt, was the leaſt likely to be beneficial to him.

I go farther, and ſay, that to be brought to ſuch an alternative at all, was a thing ſo evidently unfortunate, for any man placed in Colonel Stuart's ſituation, that it excludes the poſſibility of ſuppoſing that he could be a party, or in the ſmalleſt degree concerned in any ſcheme or plan to produce the diſturbance and convulſion which happened at that time, unleſs we ſuppoſe him to have been void of every degree of common underſtanding or attention to his own intereſt.

Nay, if he had foreſeen even the chance of ſuch diſturbances, and could have removed himſelf to the remoteſt part of India, until either the one party or the other had got clearly the aſcendant, that would have been a much more judicious and beneficial plan than putting himſelf in the way of receiving, or being under the neceſſity of obeying, the orders of either.

But

But it will even be ſaid, perhaps, for there have not been wanting thoſe who have ventured to inſinuate it, that though Colonel Stuart took the part, which to all *appearance* was the moſt againſt his intereſt, yet there were certain ſecret means of counterbalancing to him the diſadvantages and hazards to which he was expoſed;—in ſhort, that he either had received, or was promiſed by the *Nabob of Arcot*, or by thoſe connected with him, ſuch pecuniary preſents as were ſufficient to compenſate any loſſes and diſadvantages he might ſuſtain in other reſpects.

If thoſe who have permitted themſelves to make ſuch inſinuations, for they have never amounted to open aſſertions, can ſhew to your ſatisfaction, Gentlemen, that Colonel Stuart, either directly or indirectly, ever received or was promiſed, either by the Nabob of Arcot, or by any other perſon, any ſum of money or other reward, for the part which he took in obedience to the orders of the Majority of Council, I ſhall admit that he deſerves the ſevereſt indignation of the Company; for my own part, it would completely put an end to every effort or endeavour from me, to ſupport his cauſe, or in theſe ſuppoſed circumſtances to vindicate the character or conduct even of a Brother.

But I have ſo thoroughly convinced myſelf (and from the ſtrongeſt reaſons) of the falſehood of the imputation, that however humiliating it may be, to enter into the vindication of one's friend upon topics of this ſort, I moſt readily embrace the opportunity of putting to defiance, even the greateſt enemies of Colonel Stuart, and of calling upon them, by every decent method of provocation, to ſhew, with any colour of probability, that he ever received or was promiſed any reward from any quarter whatſoever, for the part his duty obliged him to take in the diſturbances at Madras.

When I had the honour of addreſſing you in April 1777, there was inſerted in my letter, the copy of part of a private confidential letter, which I had then recently received from my Brother, which was in theſe words:

" Before I take my leave of you, my dear Brother, I ſhall beg " leave to repeat what I have already declared to my friend, General " Clavering, that as I hope for mercy, I never had any promiſe, nei- " ther am I in poſſeſſion or expectation of any private benefit what- " ever, reſulting from the change now brought about in this govern- " ment."

Such is the language of his moſt private and confidential letters to me, on the ſubject of the part he took, and though his aſſertions do not with me ſtand in need of additional confirmation, yet from a variety of concurring circumſtances, I have every reaſon to place complete reliance on the ſincerity and truth of what he has ſo ſolemnly aſſerted.

Another charge, of an injurious nature, has alſo been very induſtriouſly circulated againſt Colonel Stuart, that he was ſo cloſely linked with the Majority of the Council, as to have embarked in the indiſcriminate ſupport of all their meaſures. But I can undertake to demonſtrate, that Colonel Stuart, ſo far from being a man of faction or of party, has conducted himſelf in ſuch a manner as to belong to no party or particular deſcription of men in India.——He has endeavoured, according to the beſt of his judgment, to promote the general intereſts of the Company, both in their civil and military affairs, and, making that the rule of his conduct, his ſupport either to one party or another, has been regulated by the notions he entertained of the tendency of their meaſures to the public utility.

Senſible that this aſſertion ought to be ſupported by ſtrong and unambiguous proofs, Colonel Stuart appeals to the conſultations and records of the Madras Preſidency, in your poſſeſſion; and he has repeatedly preſſed upon me, to requeſt your particular attention to theſe authentic proofs of the impartiality and independency of his conduct, and of his acting from his own judgment, unconnected with any particular party, and frequently differing from all parties.

Colonel Stuart's opinions, inſerted in theſe conſultations and records, ſince the time that he had a ſeat and voice in Council, will likewiſe

ſhow

ſhow that he held this conduct, equally with reſpect to the European, and the Aſiatic diſputes; not only when they related to queſtions agitated amongſt your own ſervants, but to the meaſures proper to be purſued, in what reſpected the oppoſite or rival intereſts of the *Nabob* of *Arcot*, and the *Raja* of *Tanjore*.

If then I have cleared Colonel Stuart's conduct from the ſuſpicion of either producing or fomenting the diſturbances at Madras, or of acting from intereſted motives on that occaſion; if I have ſhewn that he merely gave obedience to orders which his ſenſe of duty compelled him to obey, though contrary both to his real and apparent intereſt; —if it has been made evident, that no ſhare of reſponſibility for the meaſures which he carried into execution could juſtly be allotted to him, and that he executed thoſe meaſures in the manner of all others the beſt calculated for the peace and ſecurity of the Settlement, as well as for the preſervation of Lord Pigot, and the lives of other individuals; What obſtacle can there poſſibly be to prevent the entering upon an immediate conſideration of Colonel Stuart's caſe, either connected with, or diſtinct from, that of the Majority of Council, as you ſhall prefer?—And is there not ſufficient ground to juſtify me in concluding, that the very peculiar circumſtances of the caſe muſt diſpoſe you, Gentlemen, to adopt the mode beſt ſuited for giving the moſt ſpeedy and effectual redreſs to Colonel Stuart, who being an officer of no inconſiderable rank in your ſervice, is therefore particularly entitled to your protection, and who conſiders himſelf as authoriſed to complain that he has been injured and miſrepreſented?

CONCLUSION.

After having treſpaſſed ſo long upon your time, it is but too evident how much I ſtand in need of your indulgence; the various topics neceſſary, not only to be touched, but enlarged upon, in this addreſs,

have imperceptibly encreaſed it to a length beyond what I was at firſt aware of, and far beyond what I intended.

To ſtate facts, upon which no opinions have been formed, is not, perhaps, a very difficult taſk, nor does it require much detail; but to ſtate them, ſo as not merely to convey information, but to remove the prejudices which have been already conceived, and taken root, demands a much greater degree of particularity and minuteneſs, and is a very different undertaking.

That prejudices ſhould have ariſen in conſequence of the firſt accounts brought to this country, of the convulſions at Madras, I have no right to be ſurpriſed; the firſt accounts of any, and eſpecially of any diſtant tranſaction, are ſeldom the moſt correct; but beſides this, every man, whoſe fate it is to act upon critical and important occaſions, muſt not only ſubmit to have his conduct freely canvaſſed and criticiſed, but when the various intereſts of many different perſons have been affected, muſt further expect to undergo a great degree of prejudice and calumny.

From the firſt moment that the accounts reached this country, of the events which had happened at Madras, I have ever ſincerely lamented them; an apprehenſion that the public intereſt might be affected, would of itſelf have been ſufficient to make me regret them. To this, however, has been added a particular concern on account of the animoſity which it was eaſy to foreſee would be excited againſt my Brother, from the part which had been allotted to him at that difficult *criſis* of your affairs.

It was obvious, that whether blameable, innocent, or meritorious, Colonel Stuart would inevitably be involved in many diſagreeable conteſts, that he would be expoſed to the reſentments of at leaſt one party, and to a variety of attacks and aſperſions upon his character and conduct.

It has therefore fallen to my lot to anſwer thoſe attacks, and to endeavour to remove the prejudices occaſioned by thoſe aſperſions

which have been thus thrown out againſt an abſent Brother, who, it muſt be confeſſed by every one, has at leaſt been unfortunate; and perhaps thoſe who have attentively peruſed this narrative, may by this time be of opinion that he has been ſeverely and unreaſonably perſecuted.

In performing the painful taſk which has fallen to my ſhare, I am apprehenſive that an over anxiety, leſt ſome fact ſhould be omitted, or ſome reaſoning too ſlightly enforced, may imperceptibly have led me into the repetition of what had been already ſaid, or the addition of what was unneceſſary.

For the imputations againſt Colonel Stuart have aſſumed ſo many different forms, and been extended to ſo great a variety of particulars, that I have neceſſarily been obliged to inveſtigate every ground upon which the attacks againſt my Brother had been founded, though many of them were ſuch as in ordinary caſes might have been thought of too trivial a nature to demand attention, and much leſs to require a ſerious refutation.

I am ſenſible of this diſadvantage, and of having been led by Colonel Stuart's adverſaries into the diſcuſſion of ſo many and ſuch minute particulars, the exact recollection of which I fear will be thought to require too great and painful an effort of the attention.

For the aſſiſtance therefore of thoſe who from duty or from curioſity may be led to peruſe this narrative, if it were not adding to the length of it, already too long, I ſhould be inclined ſhortly to reſume all the material facts and propoſitions eſtabliſhed in the courſe of the preceding enquiry;—without, however, engaging in that extenſive plan, I ſhall beg leave only to recal to your memory ſome of thoſe facts and propoſitions which are the moſt eſſential, and the leaſt incumbered with unintereſting and minute circumſtances.

It is a fact, which will not be diſputed, that the moſt uninterrupted peace and ſecurity have prevailed in your ſettlement at Madras, notwithſtanding

withſtanding the temporary diſſentions in the month of Auguſt 1776; and it is admitted, that while theſe diſſentions were at their greateſt height, even at that very critical period, not one life was loſt, nor the leaſt perſonal injury ſuſtained by any individual in the Settlement, whether that individual was a favourer of Lord Pigot, or took part with the Majority of Council.

It has always been thought a ground of merit for an officer charged with the execution of an order of a very hazardous and difficult nature, that he had accompliſhed the objects of that order without the loſs of lives; without any man being injured in his perſon or property; and without any tumult or confuſion in the community.

This merit has been univerſally allowed to Colonel Stuart, and it has been uniformly the firm conviction of his mind, not only before, but ſince the arreſt of Lord Pigot, that, if he had either ſupported his Lordſhip in oppoſition to the Majority of Council, united with the Commander in Chief,—or if in conſequence of the orders received from that majority, he had attempted to ſeize the fort and garriſon of Fort St. George, without the previous arreſt of Lord Pigot;—or, finally, if that arreſt had been attempted in a more public, or in any other manner than that in which it was accompliſhed;—the almoſt inevitable conſequence muſt have been, the loſs of lives, and involving the Settlement in all the horrors of a civil war.

Can it therefore, in the mind of any man, be longer a matter of doubt, whether Colonel Stuart has acted the part of a meritorious and faithful ſervant to the Eaſt-India Company?

If indeed there is any one who can be of opinion, that the orders which Colonel Stuart received from his ſuperiors, civil as well as military, could have been carried into execution with leſs perſonal injury to Lord Pigot or his friends, or with leſs prejudice to the peace and ſecurity of the Settlement, ſuch a perſon may have a right to think, that Colonel Stuart's interference was unfortunate, and that he was

unſkilful

unſkilful in the execution of the orders he had received; but ſtill it would by no means follow that the obeying them was *illegal*, or a breach of duty on his part.

There is really, allow me, Gentlemen, to ſay it, ſomething very ſingular and aſtoniſhing in the reception Colonel Stuart's conduct has hitherto met with.—Any man unacquainted with the circumſtances of his caſe, and informed only of the outcry which had been raiſed againſt him, muſt have concluded, that the man perſecuted with ſo much rage and violence had certainly involved ſome of your Settlements in civil war;—at leaſt that he was accountable for many lives loſt by the indiſcretion of his conduct;—or, at the loweſt eſtimation of his offences, that he had been guilty of diſobedience of orders, both to the military and civil part of the legal and eſtabliſhed government of Madras.

But the real facts have been preciſely the reverſe of all theſe atrocious and ſuppoſed delinquencies; and therefore, ſo far as relates to the material and ſolid intereſts of his Honourable Employers, it may now, I hope, without preſumption, be aſſumed as a thing not to be controverted, that Colonel Stuart has acted the part of an obedient and faithful ſervant, attentive to the intereſt of his Employers; and that he is entitled to no ſmall ſhare of praiſe for the diſcretion of his conduct at that moſt critical period, in addition to his many acknowledged ſervices in the military eſtabliſhment, which his friends and enemies have equally admitted.

In ſuch circumſtances it almoſt exceeds belief, that he ſhould have met with ſuch an accumulation of misfortunes, hardſhips, and indignities; the mere enumeration of which has conſumed many pages, and from the peruſal of thoſe parts of this narrative one obvious and very material reflection muſt ariſe;—that if he had been actually guilty of a crime of very conſiderable magnitude, he has already ſuffered more than would have been ſufficient to expiate and atone for it.——Suſpended——ſuperceded——degraded from the firſt military command with ſevere marks of cenſure and diſpleaſure, before any trial or enquiry

enquiry into his conduct.——Theſe are ſeverities which affect both the honour and the intereſt of a military man, and are proportioned only to offences of great magnitude and clearly aſcertained.

Afterwards when his trial by a Court-martial is ordered, no idea is entertained even of the *poſſibility* of his innocence, or of merit; contrary to all the uſual maxims of juſtice and ſuppoſitions of humanity, which conſider a man as innocent until he is actually proved to have been guilty.

No proviſion is made for redreſs to his honour or intereſt in the caſe of an honourable acquittal;—nothing ſeems to have been in contemplation but his guilt and the certainty of puniſhment.

Effectual care was indeed taken, that in all events, guilty or innocent, he ſhould be puniſhed by being deprived of that command, upon the faith of which he went to the other ſide of the globe; for the ſuperceſſion of Colonel Stuart was not made temporary and dependant upon his acquittal, but whether tried or not, and whether acquitted or not, his command was given to another purpoſely ſent from England, and in whom it was veſted without any limitation of time.

Upon the whole, the treatment Colonel Stuart has met with amounts to this, that whether *guilty*, *innocent*, or *meritorious*, he is turned out of your ſervice with marks of diſpleaſure and diſgrace, and the ſeverity of his fate is increaſed by the height of the ſituation from which he is degraded; and is ſtill further aggravated, by all this being inflicted upon him independant of any trial or enquiry into his conduct; when at length an order is ſent to India for his trial, ſo earneſtly ſolicited by him and by his friends, that trial which might have been the means of vindicating his honour, though care had been taken that it ſhould not reſtore him to the command of the army, is expreſsly, and very unfortunately for Colonel Stuart, refuſed.

It would ſurely, Gentlemen, be trifling with the calamities of any man to ſay to him, We are bound, till you are tried, to act upon the preſumption of your being guilty, and at the ſame time to refuſe him that trial

by

by which alone he can prove that he is innocent.—But it would be a mockery ſtill more cruel to ſay,—We will grant you a trial;—you ſhall have the opportunity you want of proving your innocence;—but having proved it, you ſhall continue to be puniſhed as you was before the trial, or even as if you had been proved to be guilty.

Though I profeſs the reaſons of ſome of theſe ſteps taken with regard to Colonel Stuart do not appear to me perfectly obvious, I wiſh moſt anxiouſly to have it underſtood, that nothing here ſaid is intended to carry with it an imputation of blame upon paſt proceedings; but I mean only to urge what Colonel Stuart has ſuffered, from the tantalizing hopes of a trial, and the long delay of juſtice, as a foundation and inducement for your future favour to him.

The misfortunes which he has met with in your ſervice have likewiſe occaſioned other misfortunes, and produced a temporary diſappointment of his well-founded expectations in his Majeſty's ſervice.

As you had before trial ſuſpended Colonel Stuart, and, from entertaining ſome degree of doubt as to the propriety of his conduct, had directed that he ſhould be tried by a Court-martial, *therefore* his preferment was put a ſtop to in the King's ſervice in the general promotion of officers which took place laſt year, and though he was near the head of the liſt of the Lieutenant-colonels entitled to the benefit of that promotion, *thirty-two* Lieutenant-colonels, younger in the ſervice, obtained the rank of Colonel, which was withheld from him.

This very mortifying diſappointment happened to an officer whoſe merits in his Majeſty's ſervice are acknowledged——who in the courſe of laſt war filled ſome not unimportant ſituations——who acted as *Quarter-Maſter-General* at the reduction of *Belleiſle*——commanded a regiment at the taking of *Martinico*——and at the *Havannah* was ſelected to command the party which ſtormed the *Moro Fort*.

All theſe duties he is well known to have diſcharged, to the ſatisfaction of the ſeveral reſpectable commanders under whom he acted; with reputation to himſelf, and utility to the public.

If I am rightly informed, there have been few inſtances of officers, who when they firſt entered into the ſervice of the Eaſt India Company, were as high in the King's ſervice as Colonel Stuart, and who had the advantage of ſo much experience in military matters;—while theſe advantages were doubtleſs an inducement to you, Gentlemen, to adopt Colonel Stuart into your ſervice; they likewiſe afforded him the flattering proſpect that he ſhould be capable of rendering ſuch eſſential ſervices in your military eſtabliſhment, as would infallibly ſecure to him both your approbation and the permanency of his ſituation in India, and with that view he incurred a very large expence in fitting himſelf out in a manner ſuited to the rank he expected to hold there.

Upon a full and fair review of what has happened to Colonel Stuart ſince entering into your ſervice, it would be difficult, I believe, to produce an inſtance of any man's having met with ſuch a ſudden change of ſituation, ſuch a cruel diſappointment of his hopes, and who has been involved in ſuch a continued ſcene of diſagreeable ſtruggles and conteſts, as have fallen to Colonel Stuart's lot.

If I have been ſucceſsful in ſhewing, that he never has deſerved the imputations laid to his charge, and that on the contrary he has not only been innocent but meritorious; it ſurely muſt be an intereſting reflection, that all theſe various hardſhips and ſeverities have been inflicted upon an officer and ſervant of the Company, who has promoted the intereſts of his Honourable Employers, and of the State in general, not only by the part he acted during the time he had a ſeat and voice in Council, but likewiſe by his material improvements of your army in the Carnatic, and by a variety of the moſt beneficial regulations in his military department.

It is not for me to ſtate at large and to expatiate upon his merits in theſe reſpects, but it may be permitted, eſpecially when called upon in the defence of a Brother ſo injured and miſrepreſented, to appeal to your own records and informations from India, as well as to the teſtimony

teſtimony of many officers and other gentlemen lately come from that part of the world and now in England, for the truth of what I aſſert.—From theſe various ſources of the beſt and moſt authentic information it will appear, that Colonel Stuart, has, ever ſince his arrival in India, applied himſelf to the buſineſs of his military department there, with a degree of zeal, activity, and attention to œconomy, of which there are few examples; and that by his great vigilance and many improvements on the ſtate of the army and garriſons in that part of India, he has put them on a moſt reſpectable footing, and fortunately at that period of time, when the Honourable Company and the State in general may probably derive the greateſt advantages from his labours.

It is well known to have been a very favourite opinion of Lord Clive's, founded upon reaſon and a perfect knowledge of the ſubject, that in India, where the continuance of life and of health is much more precarious than in Europe, it was incumbent on the Eaſt India Company, always to be provided with more than one or two officers of experience fit for command, who, by having been reſident on the ſpot, ſhould not only have acquired a proper degree of local knowledge, but have overcome the inconveniencies which conſtantly attend Europeans upon their firſt arrival in that climate.

As the wiſdom of this opinion of Lord Clive's, both from the reaſon of the thing itſelf, and from the great authority by whom it was recommended, will, I believe, be univerſally admitted, there may perhaps, after conſidering the opportunities Colonel Stuart has had of acquiring knowledge by ſeveral years reſidence in India, and after knowing what he has done, and was in the courſe of doing, in the military departments in the Carnatic, be ſome degree of regret on a future day, at the Company's having deprived themſelves of his military talents and aſſiſtance, at a time when we are likely to be engaged in war both with the French, and with ſome of the country powers in that part of India.

It is however a juſtice I owe to my Brother's ſentiments, contained in his private letters to me, to communicate to you, that he has aſſured me in the moſt ſolemn manner, and I believe he has made the ſame declaration at Madras, that although no earthly conſideration will ever induce him ſo far to degrade himſelf as to act in peaceable times in any ſtation inferior to that which he has already filled, or to accept of any ſituation inconſiſtent with what he owes to himſelf, and to his rank and ſervices; yet, in the event of actual invaſion of the country, by the French or other enemies, that he will, even during his ſuſpenſion, offer his ſervices in any way, however ſubordinate, in which they can be deemed uſeful to the intereſts of the Company.

In the courſe of the preceding narrative there is one thing, Gentlemen, which, independent of the propriety or impropriety of Colonel Stuart's conduct in other reſpects, cannot poſſibly have eſcaped obſervation, that upon all occaſions and whenever an opportunity has occurred of teſtifying his reſpect for the orders and authority of his Honourable Employers, he has afforded the ſtrongeſt proofs of that proper ſenſe of duty which has influenced the whole of his conduct.

Inſtead of acting the part allotted to him by the injurious predictions of his adverſaries, he has diſtinguiſhed himſelf by his zealous endeavours to promote the eſtabliſhment of good order in your Settlement, and by the moſt implicit obedience to the will and pleaſure of the Honourable Company, even in thoſe inſtances where that obedience muſt have been extremely mortifying to him; and I take it for granted that it is unneceſſary to obſerve to you, that his conduct in theſe reſpects has both merited and actually obtained particular approbation from the Government at Madras, which ſucceeded to that of the Majority of Council.

You have alſo had occaſion to obſerve, that the whole of his conduct, during the critical and important ſituation of affairs at Madras in the month of Auguſt 1776, had received the ſtrongeſt marks of approbation from the Supreme Council in Bengal, to whom a ſuperintendency

over your affairs in India was delegated by the authority of Parliament.

Thus the Council of Bengal, who had authority to judge of Colonel Stuart's conduct, has *positively approved* of it.——It has not been *positively condemned* or *disapproved* by any who had such competent authority; at most it has only been *doubted upon*, and even these doubts have not extended to the whole of it; for there are very few indeed who scruple to allow him merit for preventing the mischiefs which must have attended his executing in a violent manner the orders he had received, and it is generally agreed that he was in no degree responsible for these orders.

Permit me now, Gentlemen, to renew my request for your adopting such immediate and effectual measures, as may speedily decide upon my Brother's conduct, and regulate his future expectations.

It is in your power to give the wished-for redress, by one or other of the two modes which have been already pointed out: The first is by peremptorily ordering his trial by a Court-martial, without any discretion left to your servants in India to grant or refuse it; and if that mode is adopted, I trust, for the reasons already given, that your order for his trial will be accompanied not only with your determination upon the point respecting the *legal government* at Madras, in August 1776, but also with instructions to your Governor and Council of Madras as to the particular redress Colonel Stuart is to meet with in the event of an honourable acquittal.

Or his conduct may now, as it appears to me with still greater propriety, be decided upon from the ample proofs in your possession, which have been shown to be sufficiently explicit to enable you, Gentlemen, to enter upon the consideration of at least Colonel Stuart's case, and to come to some final resolution founded upon solid grounds.

If the present state of suspence and inactivity with regard to Colonel Stuart were to be further continued, it is impossible that complete

justice

juſtice can be obtained either for or againſt him; he can neither be puniſhed nor rewarded properly.

If he ſhall be found to have tranſgreſſed his duty, I ſhall certainly have no right to complain of his puniſhment.——If he ſhall be found only to have performed it, the moſt zealous of thoſe friends of Lord Pigot, whom I am ſorry to conſider as in any degree adverſaries to Colonel Stuart,—even the Brothers of Lord Pigot, I am perſuaded, not from any actual communication with them, but from the known liberality of their characters, would be the firſt to wiſh that Colonel Stuart was acquitted.

Though theſe unhappy diſputes at Madras have unfortunately rendered us oppoſite in this conteſt, there is one predicament in which our ſituations are the ſame;—we have in common the feelings of a Brother, and of courſe the ſame anxiety and ſolicitude where a Brother's character and eſtimation are at ſtake.

It has been the ſincere and fervent wiſh of Colonel Stuart, ſince the moment that he heard of doubts being entertained as to the propriety of his conduct, that a trial by a Court-martial ſhould take place.—— In all the different ſtages of this buſineſs he has been uniform in that wiſh.——When firſt a Court-martial was held out to him as a threat, he defied it;—when afterwards he had reaſon to expect it, he declared the higheſt ſatisfaction;—and ever ſince it has been denied him, he has been inceſſant in his expreſſions of the ſtrongeſt regret.—— His preference of this to any other ſpecies of trial, is becauſe he eſteems it to be the moſt effectual and ſuitable mode for a military man to wipe off every ill-founded aſperſion.

It is without any authority from my Brother, that I have ventured to propoſe the other mode of redreſſing his grievances, by taking his caſe into your own immediate conſideration.

This idea has been ſuggeſted to me principally from the peruſalof the reaſons given by your Governor and Council at Madras, for refuſing the trial by a Court-martial.——They have ſaid diſtinctly, that Colonel

Stuart

Stuart has done nothing independent of the authority under which he acted,—have intimated that the *legality* or *illegality* of that authority muſt be declared before any trial can proceed,—and have informed you, that the circumſtances of his conduct are ſufficiently aſcertained by the records in your poſſeſſion.

It further became evident to me, that to a perſon in Colonel Stuart's ſituation, any additional ſuſpence and delay, is in reality a very ſolid and a ſevere degree of puniſhment,—and a trial by a Court-martial, upon the ſpot where the tranſactions happened, and there I maintain it can alone be held with juſtice to Colonel Stuart,—or a trial either by a Court-martial, or by the Courts of Law in England, which would require evidence to be brought from India, muſt certainly be attended with the greateſt delay, beſides many other unavoidable inconveniencies.

Having mentioned a trial by the Courts of Law in England, I beg leave once more to recur to an obſervation that can never be too often repeated, or too ſtrongly inculcated, that the only thing for which Colonel Stuart can be reſponſible, is the *Execution* of the orders he received from the Majority of Council; and indeed, independent of the intereſt which Colonel Stuart muſt always take in the proſperity of the Eaſt India Company, it is immaterial to him whether the orders were *right* or *wrong*; in either caſe he thinks himſelf equally entitled to ſome degree of merit:—if they were *beneficial*, he thinks that he has encreaſed theſe *benefits*; if they were *miſchievous*, that he has diminiſhed thoſe *miſchiefs* by his diſcretion and temper in the execution of them.

In the courſe likewiſe of my collecting and arranging the particulars of Colonel Stuart's conduct, in anſwer to the charges thrown out againſt him, the practicability as well as the propriety and ſuperior utility of his caſe being judged of and decided by you, Gentlemen, have become ſtill more apparent.

Impreſſed ſo ſtrongly as I now am with this opinion, I cannot help taking blame to myſelf in a conſiderable degree, for not having ſooner collected and ſubmitted to your conſideration, the anſwers on the part of my Brother, to the imputations thrown out againſt him,—and I take this opportunity of aſſuring you, that notwithſtanding the various reports, and ſome illiberal publications circulated to his prejudice, I have ever abſtained not only from ſtating his caſe to his Honourable Employers, but from having any concern directly or indirectly in any of the publications relating to theſe Madras diſputes; excepting only that I gave my aſſiſtance in collecting and arranging the materials lately publiſhed in relation to the proceedings of the Coroner's Inqueſt, which is merely a collection of authentic papers for the information of the public, upon theſe ſtrange proceedings, without any reaſoning upon them.

As I was fully perſuaded that my Brother's trial by a Court-martial was to take place, in conſequence of the orders you ſent out by the Beſborough, I therefore thought it my duty not only to avoid giving you unneceſſary trouble, but that it became me to abſtain from any repreſentation or diſcuſſion of his caſe, while there was ſo much reaſon to expect that it was in the courſe of being judicially aſcertained, and reported to you in the moſt authentic manner by the Court-martial.

Beſides the various concurring motives which I have already mentioned, and which induce me, though unauthoriſed by my Brother, to wiſh that the ſecond mode, I have ventured to propoſe, ſhould take place.—Beſides the impartiality and candour with which I am confident, Gentlemen, you will diſcuſs and decide upon Colonel Stuart's conduct and future expectations, there is this ſtrong additional inducement for the preference to the ſecond mode, that the delays which I have ſtated above, as inevitable in every other method of proceeding, will by this be avoided.

It is alſo a conſideration which every body will admit, is extremely intereſting both to Colonel Stuart and his friends, that beſides the weight, which your *Authority* in the deciſion will carry with it in the world, it is in the Directors and Proprietors of the Eaſt-India Company alone that the *Power* reſides, of giving redreſs to an injured officer and ſervant of the Company.

If, however, contrary to what I have taken the liberty of repreſenting, it ſhould appear to you, Gentlemen, that a Court-martial is the preferable method of proceeding, permit me moſt earneſtly to requeſt that the orders for that trial may be ſent to India by the firſt diſpatches.

The anxious wiſh of Colonel Stuart and his friends is, and ever has been, that *every Meaſure* ſhould be adopted which may be the beſt calculated for a thorough examination of his conduct, as well as for throwing light upon the motives and the conſequences of it, and that this ſhould take place with the leaſt poſſible delay;—what is moſt dreaded on his behalf is the continuance of his preſent ſituation, without either *Trial* or *Examination.*

And ſurely, Gentlemen, this anxiety for a ſpeedy determination of Colonel Stuart's fate and future proſpects cannot appear to you either unnatural or unreaſonable.——If misfortunes like thoſe which he has experienced would have been diſtreſſing to any man, it is not to be wondered at if they have been more peculiarly ſo to a military man, in whom a more than ordinary degree of ſenſibility is not only allowable but even commendable, upon every point that may affect his military rank, character, and eſtimation.

Is it therefore to be wondered at, if, after poſſeſſing the diſtinguiſhed rank of Commander in Chief of your great army in the *Carnatic*, he ſhould feel himſelf hurt and mortified at being degraded from that

command, in a time perhaps of the greateſt exertion and activity;—and that, ſuſpended as he ſtill continues to be from your ſervice, he ſhould be waiting in India with the moſt anxious ſolicitude, your final reſolutions concerning him.

This unexpected reverſe, affecting to any officer, muſt be more deeply ſo to him, whoſe pride it was to have beſtowed ſuch indefatigable pains in putting not only your army, but your military poſts in that part of India, on the moſt reſpectable footing; and to have introduced by his attention and example the ſtricteſt diſcipline into the ſervice, while he at the ſame time acquired the confidence and attachment both of the Officers and ſoldiers.——He vainly flattered himſelf, that if, during his ſtay in India, the ſituation of public affairs ſhould call for any military exertions, he could not have failed to acquire ſome degree of credit by the conduct of that army which he had diſciplined and improved, and by the utility of the many military plans which he had formed.

But the ſituation in which he is now placed has put an end to all theſe hopes; he finds himſelf, untried and unheard, deprived of the opportunity of rendering ſervices to the public, and inſtead of acquiring any additional credit to himſelf, left, from a train of unfortunate events, ſtruggling againſt a torrent of calumny, to preſerve that reputation and good name, which, till theſe unhappy diſturbances, had upon no occaſion been diſputed.

Theſe, Gentlemen, are the calamities, and this is the heavy load of injury under which he has ſo long laboured, and under which, even though you ſhould enter into an immediate diſcuſſion of his caſe, he muſt ſtill continue to labour, till the arrival of your diſpatches in India; uncertain whether thoſe diſpatches will bring his acquittal,—a continuance of his puniſhment,—or a refuſal to hear him.

It depends, therefore, upon your juſtice and humanity, Gentlemen, to put a period to a ſituation ſo ſeverely mortifying to an officer, conſcious of having exerted his beſt endeavours for the intereſts of his Honourable Employers.

I have the honour to be with great truth,

GENTLEMEN,

Your moſt faithful and

obedient humble Servant,

Berkley Square,
22d December, 1778.

ANDW. STUART.

APPENDIX.

CORRESPONDENCE *between Lord* BARRINGTON, *Secretary at War, and Mr.* STUART, *in relation to his Brother, Colonel* JAMES STUART.

[Referred to in page 50 of the preceding Letter.]

From Lord Barrington to Mr. Stuart.

SIR, Cavendiſh Square, 3d September 1777.

YOUR excellent knowledge of men and things will prevent your being ſurpriſed, or offended, that your Brother is not included in the promotion of Lieutenant-Colonels, advanced to the rank of Colonel, juſt made. This letter therefore is not intended as an apology, but as *an aſſurance, that full and perfect juſtice will be done to him hereafter, if his conduct in India reſembles the reſt of his conduct through life.* I depend on your giving him this aſſurance in my name; and am, with great truth and regard,

SIR,

Your moſt humble, and

moſt obedient ſervant,

(Signed) BARRINGTON.

Adrdeſſed thus:

To Andrew Stuart, Eſq;
Berkley-Square, London.

From Mr. Stuart to Lord Barrington.

My Lord, Edinburgh, October 3d, 1777.

I Have received in this country the letter which your Lordſhip did me the honour to write to me lately. It was addreſſed to me in Berkley Square, but I had left London two or three weeks before that time; and by my moving from place to place, ſince my arrival in Scotland, it was a long time after the date before it reached me.

I cannot but feel myſelf under great obligations to your Lordſhip, for the kind attention which gave riſe to that Letter. The intelligence of my Brother's being paſſed over in the late promotion would have been doubly diſtreſſing, if it had not been alleviated by the obliging manner in which you have been pleaſed to communicate to me this event; and by the aſſurances which you authoriſe me to impart to my Brother, of the full and perfect juſtice which is intended to be done to him hereafter.

Convinced, as I am moſt ſincerely, of your Lordſhip's kind intentions towards my Brother, and having reaſon to be perſuaded of your good opinion of him as an officer, and as a man, it would be moſt unreaſonable in me to entertain any doubt, that whatever the appearances may be, no real hardſhip or injury is intended him. Still, I cannot help regretting exceedingly, thoſe unfortunate incidents in India, which have made it appear neceſſary that ſuch a marked exception ſhould take place with regard to Colonel Stuart at this time.

The intereſt I take in what relates to my Brother, does not prevent my perceiving the reaſons which might preſent themſelves againſt his being included in the late promotion; it might occur, that as the propriety of his conduct, during the late convulſions at Madras, remains as yet undecided, and as he is to be tried by a *Court-martial* in that country, no mark of his Majeſty's favour ought to be beſtowed upon an officer in that predicament.

But I cannot diveſt myſelf of an apprehenſion, that this ſtep, which from the beſt motives has been taken, for avoiding the appearance of partiality, approbation, or favour on the one hand, may be productive of very hard and ſevere conſequences with regard to Colonel Stuart, from the appearance it holds out to the world, on the other hand, that his conduct in the Indian tranſactions has,

even before his trial in India, been judged of, and diſapproved at home; and that in the eſtimation of his Sovereign, and his Majeſty's Miniſters, he ſtands already condemned.

The marked exception of Colonel Stuart from ſuch a general promotion, as that which has now taken place, ſeems to me to authoriſe inferences to his prejudice, infinitely ſtronger, than any that could be made in favour of his conduct, from allowing his promotion in the King's ſervice to take place according to the date of his commiſſion, and as a matter of courſe, which would not have implied any mark of ſpecial favour towards him perſonally.

As the circumſtances of this caſe are very peculiar, I beg your Lordſhip's indulgence for ſubmitting them to your conſideration.

Colonel Stuart has been for many years an Officer in his Majeſty's ſervice, and within theſe two years he entered, with the King's permiſſion, into the ſervice of the Eaſt India Company; it was his fate to arrive in India, in the Summer of laſt year, at a time when the diſſentions between the Governor and Council at Madras had riſen to a great height; and though the command of the army was repeatedly offered him by the Governor, it appeared to him to be his duty, as executive officer, and ſecond in the military command, to obey the orders of the Majority of the Council, eſpecially as his immediate commanding officer, Sir Robert Fletcher, was one of that Majority, who ſigned the orders given to him.

Whether Colonel Stuart acted right or wrong, or whether he was guilty of error in judgment, in the obedience he thus gave, and in the other ſteps of his conduct in India, is a matter which yet remains to be tried, and the cognizance of it belongs to the Eaſt India Company.

While theſe affairs are in dependence, and while the opinions of the pnblic are much divided concerning the conduct of the principal actors on both ſides, in theſe diſturbances at Madras; it ſeems to be more equitable, that the conduct of an officer of many years ſtanding in the King's ſervice, ſhould be favourably judged of, on account of his character and behaviour while in that ſervice, if theſe were unexceptionable, than that the uncertain reports or repreſentations of either party, during the heat of faction in the Indian civil commotions, ſhould deprive him of the character ſo acquired, and of the rights accrüing to him in his Majeſty's ſervice.

With regard to Colonel Stuart's character and conduct, during the many years he ſerved, and in the various ſtations he has filled in the King's ſervice, they are certainly not liable to any objection.

On the contrary, the ſtations in which he was employed, and the manner in which he acquitted himſelf of the confidence repoſed in him during the laſt war, afford ſubſtantial proofs of his being conſidered as an officer of diſtinguiſhed merit, particularly his ſervices as Quarter Maſter General, at the reduction of *Belleiſle*,—his behaviour at the taking of *Martinico*; where he commanded a regiment;—and at the taking of the *Havannah*, where he had the command, during the campaign, of a detached corps, and was afterwards ſelected to command the party which ſtormed the *Moro Fort*.

The inference made in many places from the excluſion of Colonel Stuart in the promotion now made is, that ſince his former ſervices, military rank, and behaviour, have availed him nothing upon this occaſion, the circumſtances of his conduct in India muſt have been aſcertained, and have appeared in the moſt unfavourable light to his Majeſty's miniſters, or to thoſe in the management of military affairs; the conſequence of which is, that while he ſuffers greatly in the opinion of the world in general, by this mark of diſpleaſure and diſapprobation, he goes to his trial in India, and to the trial of the other incidental queſtions connected with theſe Indian occurrences, under the diſadvantage of a heavy weight of prejudices againſt him,—prejudices of the moſt dangerous nature, on account of the high authority by which they have the appearance of being eſtabliſhed.

No perſon can be more thoroughly convinced than I am, that there was no intention on your Lordſhip's part, or in any other quarter, to inflict hardſhips of this nature upon Colonel Stuart; on the contrary I am perſuaded, that the true motive of the late meaſure with regard to him was, that his trial might proceed free from prejudices, either for, or againſt him.

But as the prevailing opinion of many judicious and impartial perſons, with whom I have converſed on this ſubject, is, that the tendency of the late remarkable exception of Colonel Stuart, from the recent promotion, muſt, in the circumſtances of his caſe, be ſuch as I have taken the liberty to mention, I thought it my duty to ſubmit theſe things to your Lordſhip's conſideration.

I ſhall only beg leave to add, that for my own part, I have the moſt compleat reliance upon your Lordſhip's good intentions towards my Brother, and have no doubt that, agreeably to the aſſurances given, full and perfect juſtice is intended, and will be done to him; my principal anxiety at preſent is, that during the period which precedes the examination and trial of his conduct in India, there may be no prejudices hurtful to him, nor any appearance of his cauſe being prejudged.

From

From the beginning of theſe Indian diſputes, all I have contended for has been, that my Brother ſhould have a fair and impartial trial, and that while it was uncertain, whether he had acted a part that deſerved cenſure or puniſhment, or on the contrary, had rendered meritorious ſervice to the Eaſt India Company, and to the Britiſh government, no ſteps ſhould be taken hurtful to his honour or intereſt.

His trial by Court-martial was my earneſt requeſt to the Directors of the Eaſt India Company, becauſe when the conduct of an officer is attacked, his honour requires this mode of trial; but there is perhaps ſome reaſon to conſider it as an unuſual degree of hardſhip that the following ſteps ſhould precede that trial.

FIRST. The ſuſpenſion of Colonel Stuart during ſix months in conſequence of the orders of the Directors of the Eaſt India Company, which by many people is eſteemed of itſelf a degree of puniſhment before trial, and at the ſame time likely to create prejudices againſt the perſon to be tried.

And SECONDLY. That now he has further to contend with the prejudices ariſing from the marked exception that has been made of him in his Majeſty's ſervice, where, though almoſt at the head of the liſt of thoſe Lieutenant Colonels who could receive benefit from the late promotion, *thirty two younger Lieutenant-colonels* have received that rank which has been denied to him.

It is not in the diſpoſition of complaint, or in any degree of bad humour, that I have preſumed to ſtate theſe things; but from a deſire to ſubmit them to your Lordſhip's ſerious conſideration, and in the full perſuaſion, that your candour and equity will diſcover the beſt remedies for theſe hardſhips, if they ſhall appear to you to have any real foundation.

And I beg leave to aſſure your Lordſhip, that I ſhould not have troubled you with them, if I were not in my own mind thoroughly convinced that promoting Colonel Stuart in common with others of his rank, at a time when ſuch a general meaſure was taken, could not be conſidered, either as an inſtance of partiality or approbation of his conduct in India, but as a natural conſequence of his rank and behaviour in the King's ſervice, to which alone ſuch promotions are applicable.

The withholding this preferment, which is conſidered as a matter of courſe where there is no criminality, is liable to be interpreted as what I am ſure it was not meant, a deciſion againſt Colonel Stuart's conduct in India; and that deciſion will be ſuppoſed to proceed upon proofs that have not reached the public, becauſe it will not be ſuppoſed, that without ſuch proofs an officer of tried and approved merit in the line of his profeſſion, ſhould be ſet aſide for a mo-

ment, againſt the juſt and eſtabliſhed preſumption, which makes innocence preſumed rather than guilt, nntil legal conviction puts an end to that preſumption.

I beg your Lordſhip's excuſe for giving you the trouble of reading ſo long a letter; but the duty which I owe to an abſent brother, who, at the date of the laſt advices from him, was flattering himſelf with the hopes of public marks of approbation inſtead of puniſhments or marks of diſpleaſure, made it appear to me unavoidable, and I hope will obtain for me your Lordſhip's pardon for treſpaſſing ſo much upon your time.

I have the honour to be, with great truth and eſteem,

Your Lordſhip's moſt faithful and obedient ſervant,

(Signed) ANDREW STUART.

From Lord Barrington to Mr. Stuart.

SIR, Beckett, 16th October, 1777.

I Am to acknowledge the honour of your letter, dated the 3d inſtant. The polite candour with which it is written claims, and has my beſt thanks. The matter it contains, I think, may be diſcuſſed in converſation better than by letter; I will therefore, with your permiſſion, defer entering into it till we meet. In the mean time you are at liberty to make any uſe which your prudence and brotherly affection can ſuggeſt of the letter I firſt wrote to you, after the general promotion of Lieutenant-colonels by Brevet. I am, with great truth and regard,

SIR,

Your moſt obedient humble ſervant,

(Signed) BARRINGTON.

Addreſſed thus:

To Andrew Stuart, Eſq;
Berkley-Square, London.